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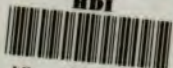
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LEGISLATIVE REFERENCE BUREAU

A COMPILATION

OF THE

Laws Relating to Juvenile Courts

AND

Dependent, Neglected, Incurrigible and  
Delinquent Children

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PREPARED BY

JOHN H. FERTIG AND S. EDWARD HANNESTAD

UNDER THE DIRECTION OF

JAMES N. MOORE, DIRECTOR

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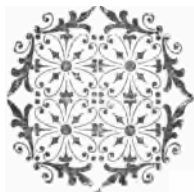
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MAR 20 1917

## PREFACE.

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This compilation was prepared under the provisions of the Act of May 14, 1915 (Pamphlet Laws, Page 474), which authorizes the Legislative Reference Bureau "to continue the work commenced by it under the provisions of an Act, approved the twentieth day of May, one thousand nine hundred and thirteen, entitled 'An act directing the Legislative Reference Bureau to prepare compilations or codes, by topics, of the existing general laws of this Commonwealth, for adoption or rejection by the General Assembly; fixing the compensation of the assistant director, and making an appropriation therefor.'"

The topic for this compilation was suggested by the Governor in Veto number 195 and published in "Vetoed by the Governor of Bills and Resolutions passed by the Legislature, Session of 1915," page 460, which veto is as follows:

"I file herewith, in the office of the Secretary of the Commonwealth with my objection, Senate bill No. 750, entitled 'A joint resolution authorizing the appointment of a commission to consider the revision and amendment of the laws of the State, penal and otherwise, in reference to juvenile courts, and all offenses or crimes committed by minors, and the punishment thereof, and to make a report on the same, and making an appropriation to the expenses of said commission.'

"This joint resolution provides for a commission of seven to study and report upon all laws relating to juvenile offenders, juvenile courts, and crimes committed by minors. It carries an appropriation of \$5,000.

"This work can be done and well done by the Legislative Reference Bureau, with the advice and assistance of the Attorney General. To expend the sum here suggested through a commission is unnecessary.

"For these reasons this bill is not approved."

We shall be gratified if the person into whose hands this compilation comes will read it carefully, criticize it fully and freely and send any resulting suggestions or recommendations to the Bureau.

LEGISLATIVE REFERENCE BUREAU.

April 1, 1916, Harrisburg, Penn'a.





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## I.

### ESTABLISHMENT OF JUVENILE COURTS. JURISDICTION AND POWERS.

1. PREAMBLE. CAUSES LEADING TO THE ESTABLISHMENT OF JUVENILE COURTS. WHEREAS, The welfare of the State demands that children should be guarded from association and contact with crime and criminals, and the ordinary process of the criminal law does not provide such treatment and care and moral encouragement as are essential to all children in the formative period of life, but endangers the whole future of the child;

AND WHEREAS, Experience has shown that children, lacking proper parental care or guardianship, are led into courses of life which may render them liable to the pains and penalties of the criminal law of the State, although in fact the real interests of such child or children require that they be not incarcerated in penitentiaries and jails, as members of the criminal class, but be subjected to a wise care, treatment and control, that their evil tendencies may be checked and their better instincts may be strengthened;

AND WHEREAS, To that end, it is important that the powers of the courts, in respect to the care, treatment and control over dependent, neglected, delinquent and incorrigible children, should be clearly distinguished from the powers exercised in the administration of the criminal law.

Preamble to Act of April 23, 1903, P. L. 274.

This act was held constitutional in *Commonwealth v. Fisher*, 213 Pa., 48, affirming same, 27 Sup. Ct., 175.

The first act in Pennsylvania seeking to establish a special jurisdiction in the courts over juveniles was the Act of May 21, 1901, P. L. 279, by which act original jurisdiction in juvenile cases was given to the courts of oyer and terminer and the courts of quarter sessions; and the judges of these courts were directed to designate one of their number to hear such cases. This act, however, was declared unconstitutional by the Superior Court in *Mansfield's Case*, 22 Sup. Ct., 224, and subsequently repealed by the Act of 1903 above (Sec. 12, Act of April 23, 1903, P. L. 274).

2. JUVENILE COURTS ESTABLISHED. JURISDICTION. CERTAIN WORDS DEFINED. JUVENILE COURTS HOW TO BE HELD. RECORDS. The courts of quarter sessions of the peace, within the several counties of this Commonwealth, shall have and possess full jurisdiction in all proceedings which may be brought before them affecting the treatment and control of dependent,

neglected, incorrigible and delinquent children, under the age of sixteen years; and for the purpose of this act, the words "dependent child" and "neglected child" shall mean any child who is destitute, homeless, abandoned, or dependent upon the public for support, or who has not proper parental care or guardianship. The words "incorrigible children" shall mean any child who is charged by its parent or guardian with being unmanageable. The words "delinquent child" shall mean any child, including such as have heretofore been designated "incorrigible children" who may be charged with the violation of any law of this Commonwealth, or the ordinance of any city, borough or township.

The powers of the court of quarter sessions of the peace, as provided for in this act, may be exercised by any one or more judges of such court, who may be assigned for the purpose at a session of said court, which shall be known as the juvenile court; and all sessions of such juvenile court shall be held separate and apart from any session of the court held for the purpose of its general criminal or other business, and the records of the proceedings of such juvenile court shall be kept in a docket, separate from all other proceedings of said court.

Sec. 1, Act of April 23, 1903, P. L. 274.

In the County of Philadelphia this jurisdiction is exercised by the Municipal Court of Philadelphia under Section 1 of the Act of June 17, 1915, P. L. 1017, *infra* section 6; and in the County of Allegheny by the County Court of Allegheny County under Section 1 of the Act of March 19, 1915, P. L. 5, *infra* section 4.

No new court is created by this act, "and the ancient court of quarter sessions, which is older than all the Constitutions of Pennsylvania, is given thereby not greater but different powers from those previously exercised." *Commonwealth v. Fisher*, 213 Pa., 48, 52, affirming same, 27 Sup. Ct. 175.

### 3. JURISDICTION AND POWERS OF JUVENILE COURTS. CONTROL OF JUVENILE OFFENDERS PENDING FINAL DIS- POSITION OF CASE. The powers of the court may be exercised:

(1). Upon the petition of any citizen, resident of the county, setting forth that a child is neglected, dependent or delinquent, and is in need of the care and protection of the court.

(2). Whenever any magistrate or justice of the peace, in committing a child arrested for an indictable offence, shall certify that, in his opinion, the good of the child and the interests of the State do not require a prosecution upon an indictment, under the criminal laws of the Commonwealth.

(3). Whenever, after return made by a magistrate of the proceedings, upon the arrest of such delinquent child for an indictable offence, the district attorney of the county, either before or after the indictment, shall certify that, in his opinion, the good of the



child and the interests of the State do not require a prosecution upon an indictment, under the criminal laws of this Commonwealth.

(4). Whenever, upon the trial of any indictment of such delinquent child, the judge trying the cause is of opinion that the good of the child and the interests of the State do not require a conviction under the criminal laws of this Commonwealth.

Upon the filing of any petition, as above set forth, or whenever the jurisdiction of the court has attached by the filing of a certificate of a magistrate or justice of the peace, or of the district attorney, or by the action of a judge, as above set forth, it shall be within the power of the judge, holding said juvenile court, to make all necessary orders for compelling the production of such child, and the attendance of the parents and all persons having the custody or control of the child, or with whom the child may be; and pending the final disposition of any case, the child shall be subject to the order of the court, and may be permitted to remain in the control of its parents or the person having it in charge, or of the probation officer, or may be kept in some place provided by the State or county authorities, or by any association having for one of its objects the care of delinquent or neglected children, as the court may order.

Sec. 2, Act of April 23, 1903, P. L. 274.

See notes to the section immediately preceding.

3a. PROCEEDINGS BY SCHOOL DIRECTORS AGAINST CERTAIN SCHOOL CHILDREN. In case any child between eight and sixteen years of age cannot be kept in school in compliance with the provisions of this act, on account of incorrigibility, truancy, insubordination, or other bad conduct, or if the presence of any such child attending school is detrimental to the welfare of such school, on account of incorrigibility, truancy, insubordination, or other bad conduct, then, in any such case, the board of school directors of the proper district may, by its superintendent, supervising principal, secretary, or attendance officer, under such rules and regulations as said board may adopt, proceed against said child before the juvenile court, or otherwise, as is now or may hereafter be provided by law for incorrigible, truant, insubordinate, or delinquent children.

Sec. 1438, Act of May 18, 1911, P. L. 309.

4. JURISDICTION OF THE COUNTY COURT OF ALLEGHENY COUNTY. In all proceedings concerning dependent, delinquent, incorrigible, or neglected children under the age of sixteen years, as defined by existing laws relating thereto, the county court of Allegheny County shall have exclusively all the jurisdiction and powers now vested in and exercised by the court of quarter sessions of the peace of said county, sitting as a juvenile court, or of any judge of said court sitting as a juvenile court judge; and all laws relating

to such jurisdiction and powers of the court of quarter sessions are hereby made applicable to the said county court. Said county court shall also have jurisdiction in all proceedings for the custody of children, where the court has acquired jurisdiction in matters relating to their maintenance. The judges of said county court shall be ex-officio justices of the peace.

Sec. 1, Act of March 19, 1915, P. L. 5, supplementing Act of May 5, 1911, P. L. 198.

Prior to the passage of this act, the jurisdiction over juveniles in Allegheny County was in the court of quarter sessions of the county, under Section 1 of the Act of April 23, 1903, P. L. 274, supra section 2.

**5. DESIGNATION OF JUDGE OF COUNTY COURT OF ALLEGHENY COUNTY TO HOLD JUVENILE COURT.** The presiding judge of the court shall designate one member of the court to hold such juvenile court. The said judge shall be assigned to said court for a period of one year, or longer in the discretion of the presiding judge.

Sec. 2, Act of March 19, 1915, P. L. 5, supplementing Act of May 5, 1911, P. L. 198.

The "presiding judge" herein referred to is the presiding judge of the County Court of Allegheny County.

**6. JURISDICTION OF MUNICIPAL COURT OF PHILADELPHIA.** The said court, hereby created, shall have jurisdiction in all criminal actions and suits for penalties, except that it shall not have jurisdiction in the trial of indictments for arson, burglary, murder, voluntary manslaughter, treason, or misprision of treason, or for violation or conspiracy to violate the election or registration laws of this Commonwealth, or for embezzlement by any public officer, or any offense involving breach of official duties by any public officer: Provided, however, That nothing herein contained, and no exception to the jurisdiction of the said court herein set forth, shall be construed to deprive the said court of exclusive jurisdiction in those cases hereinafter in this section set forth.)

The jurisdiction of the said Municipal Court shall be exclusive—

[(a) In all proceedings brought against any husband or father, wherein it is charged that he has without reasonable cause separated himself from his wife or children, or from both, or has neglected to maintain his wife or children; and in all proceedings where any child of full age has neglected or shall neglect to maintain his or her parents, not able to work or of sufficient ability to maintain themselves; and in all proceedings for the custody of children.]

(b) In all proceedings concerning dependent, delinquent, or neglected children, as defined by existing laws relating thereto, which are hereby made applicable to proceedings in the Municipal Court.

(c) In all proceedings concerning, or trials of charges brought against, all persons, whether adults or minors, accused of disorderly street-walking.

(d) In all proceedings concerning, or trials of charges brought against, all minors between the ages of sixteen and twenty-one years who shall disobey their parents' command, or be found idle in the streets, and against all disorderly children.

(e) All children not under the age of sixteen years deserting their homes without good and sufficient cause, or keeping company with dissolute or vicious persons, against the lawful commands of their fathers, mothers, or guardians, or other person standing in the place of a parent, shall be deemed disorderly children.

The judges of the said municipal court shall be ex-officio justices of the peace. When defendants are bound over for trial in any case, indictments may be presented against them before the grand jury in accordance with existing laws, which indictments may be tried either in existing courts or in the Municipal Court as the case may be: Provided, however, That if it shall be decided by the courts that provisions herein for exclusive jurisdiction in Municipal Court, or for abolishing preliminary hearings in certain cases, are unconstitutional, the intent of the Legislature is hereby expressed that said provisions only shall be void, and that all other provisions of this act shall be valid and enforceable.

Sec. 1, Act of June 17, 1915, P. L. 1017, amending Sec. 11, Act of July 12, 1913, P. L. 711.

Prior to the passage of the Act of July 12, 1913, P. L. 711, establishing the municipal court, the jurisdiction over juveniles in Philadelphia was in the court of quarter sessions under section one of the Act of April 25, 1903, P. L. 274, supra section 2.

The juvenile court of Philadelphia is operated under and by virtue of Clause (b) of this section and takes cognizance only of cases affecting children under sixteen years of age, thus carrying out the purpose originally established by the Act of April 23, 1903, P. L. 274, supra sections 2 and 3. Cases coming under Clauses (c), (d) and (e) of this section are heard in a separate court known as the "Misdemeanants' Court," and cover the cases formerly provided for in the Act of June 2, 1871, P. L. 1301, infra sections 151 to 159. These two courts are held at distinctly separate places in the City of Philadelphia.

**7. DESIGNATION OF JUDGE OF MUNICIPAL COURT OF PHILADELPHIA TO HOLD JUVENILE COURT.** The president judge of the court shall designate one member of the court to hold a juvenile court. The said judge shall be assigned to said court for a period of one year, or longer, in the discretion of the president judge.

Part of Sec. 8, Act of July 12, 1913, P. L. 711.

The president judge herein referred to is the president judge of the Municipal Court of Philadelphia.

8. PRELIMINARY HEARINGS IN JUVENILE CASES IN PHILADELPHIA ABOLISHED. (In desertion and non-support cases and) in juvenile cases there shall be no preliminary hearings; but the person accused, or children involved, shall be immediately brought before the court for trial.

Part of Sec. 13, Act of July 12, 1913, P. L. 711.

This section relates to the Municipal Court of Philadelphia only.

Preliminary hearings in juvenile cases in Philadelphia County are also abolished by section 1, of the Act of June 15, 1915, P. L. 988, *infra*, section 11.

## II.

### PROBATION AND OTHER OFFICERS AND EMPLOYES OF JUVENILE COURTS. SALARIES.

9. APPOINTMENT OF PROBATION OFFICERS. SALARIES. DUTIES. The court shall appoint or designate one or more discreet persons, of good character, to serve as probation officers during the pleasure of the court. Said probation officers shall receive compensation to be fixed by the said court of quarter sessions of the peace. Such compensation shall not exceed one hundred dollars a month for each officer, and, in addition thereto, such expenses as may be necessary and approved by said courts. Said compensation and expenses shall be paid monthly, at the end of each month, by the county treasurer, upon an order of the county commissioners approved by the president judge of said courts. And it shall be the duty of all probation officers, so appointed, to make such investigation as may be required by the court, to be present in court when the case is heard, and to furnish to the court such information and assistance as the judge may require, and to take such charge of any child, before and after trial, as may be directed by the court.

Sec. 1, Act of April 1, 1909, P. L. 89, amending Sec. 3, Act of April 23, 1903, P. L. 274.

For the appointment and salaries of probation officers in the counties of Allegheny and Philadelphia see section 3, Act of March 19, 1915, P. L. 5, and section 1, Act of June 15, 1915, P. L. 988, *infra* sections 10 and 11.

The court herein referred to is the Court of Quarter Sessions sitting as a juvenile court.

10. APPOINTMENT OF PROBATION OFFICERS IN ALLEGHENY COUNTY. SALARIES. The presiding judge shall appoint a chief probation officer, whose salary shall not exceed three thousand dollars per year, and such additional probation officers as the majority of the judges may determine, at salaries not exceeding fif-

teen hundred dollars per year, whose compensation shall be fixed by the majority of the judges of said court, and whose powers and duties shall be similar to those heretofore exercised by probation officers appointed by the court of quarter sessions of the peace of said county. In addition to such compensation, the probation officers shall receive such expenses as may be necessary and shall have been approved by the judge of the juvenile court. Said compensation and expenses shall be paid monthly, out of the treasury of Allegheny County, in the manner in which other county expenses are paid by law.

Sec. 3, Act of March 19, 1915, P. L. 5, supplementing Act of May 5, 1911, P. L. 198.

The "presiding judge" herein referred to is the presiding judge of the county court of Allegheny County. The section relates to the appointment of probation officers in Allegheny County only.

For appointment of probation officers in Allegheny County prior to the passage of this act, see section immediately preceding.

**11. APPOINTMENT OF PROBATION OFFICERS AND EMPLOYEES IN PHILADELPHIA. PRELIMINARY HEARINGS IN JUVENILE CASES ABOLISHED.** The president judge shall appoint a chief probation officer, whose salary shall not exceed five thousand dollars (\$5,000) a year, and such additional probation officers and employes as he may determine, at salaries not to exceed two thousand five hundred dollars (\$2,500) a year, whose powers and duties shall be similar to those heretofore appointed by the court of quarter sessions of the peace for said county.

There shall be no preliminary hearings in any cases affecting dependent, delinquent, or neglected children under the age of sixteen years, as defined by existing laws relating to such proceedings (which laws are hereby made applicable to proceedings in the municipal court); but such children shall be brought immediately before the judge of the juvenile court, and he shall hear and determine said cases, separately from each other, at such place and at such hours of the day or night as will, in the judgment of the president judge and of the judge of the juvenile court, be most conducive to the welfare of such children.

Sec. 1, Act of June 15, 1915, P. L. 988, amending Sec. 9, Act of July 12, 1913, P. L. 711.

The president judge herein referred to is the president judge of the municipal court of Philadelphia. The section applies to the county of Philadelphia only.

See *supra* section 8, also abolishing preliminary hearings in juvenile cases in Philadelphia.

For appointment of probation officers in Philadelphia prior to the establishment of the municipal court, see *supra* section 9.

**12. APPOINTMENT OF CLERKS, STENOGRAPHERS, ETC., IN CONNECTION WITH JUVENILE COURTS.** The judges of the courts of quarter sessions of the peace within the several counties of this Commonwealth shall appoint such clerks, stenographers, and office assistants, in connection with the probation work of the juvenile court, as shall, in the opinion of the said judges, be necessary for the efficient conduct of the said work.

Sec. 1, Act of May 11, 1911, P. L. 268, supplementing the Act of April 23, 1903, P. L. 274.

It would seem that this section does not apply to the counties of Allegheny and Philadelphia where the jurisdiction over juvenile offenders is conferred upon the county court and municipal court respectively, and which courts have power to make appointment of necessary officers.

**13. SALARIES OF CLERKS, STENOGRAPHERS, ETC.** The salary or compensation of all clerks, stenographers, and office assistants, so employed, shall be fixed by the judges of the court of quarter sessions of the peace in each county, not to exceed the sum of twelve hundred dollars a year for each such employe, and shall be paid monthly, at the end of each month, by the county treasurer, upon an order of the county commissioners approved by said court.

Sec. 2, Act of May 11, 1911, P. L. 268, supplementing Act of April 23, 1903, P. L. 274.

### III.

**HOUSES AND ROOMS FOR THE DETENTION OF JUVENILE OFFENDERS AND DEPENDENT AND NEGLECTED CHILDREN PRIOR TO HEARING AND COMMITMENT.**

**'14. JUVENILE OFFENDERS, PENDING HEARING, NOT TO BE COMMITTED TO JAILS OR POLICE STATIONS, ETC.** No child, pending a hearing under the provisions of this act, shall be held in confinement in any county or other jail, police station, or in any institution to which adult convicts are sentenced.

Sec. 7, Act of April 23, 1903, P. L. 274.

This section refers to children under the jurisdiction of the juvenile courts only. As to the detention of children in general, section 1 of the Act of June 12, 1893, P. L. 459, provides as follows: "No child under restraint or conviction, under sixteen years of age, shall be placed in any apartment or cell of any prison or place of confinement, or in any court room during the trial of adults, or in any vehicle of transportation in company with adults charged with or convicted of crime." *infra* section 44.

**15. POLICE MATRON TO BE PROVIDED IN CITIES OF FIRST AND SECOND CLASS. DUTIES.** In all cities of this Commonwealth of the first and second classes, a competent female

officer shall be provided for each police station house to which female prisoners and children are or may be taken, who shall be known as a police matron, and whose duty it shall be to receive, search, take charge of and properly care for, all female prisoners and children who shall be brought to such station house.

Sec. 1, Act of May 13, 1889, P. L. 192.

Section 7 of the Act of April 23, 1903, P. L. 274, *supra* section 14, prohibits the commitment of children under the age of sixteen to police stations. The Act of July 2, 1901, P. L. 601 provides for houses for the detention of untried juveniles in cities of the first and second class. It seems therefore that this section would affect only children over the age of sixteen and adult females.

**16. APPOINTMENT OF POLICE MATRONS. COMPENSATION.** Such police matrons shall be appointed by the same authority and in the same manner as police officers or patrolmen are now appointed in the said cities respectively, and their compensation, which shall be fixed by the proper authority having control of the compensation of police officers or patrolmen, shall not be less (than) thirty dollars, nor more than one hundred dollars, per month.

Sec. 2, Act of May 13, 1889, P. L. 192.

**17. COUNTY COMMISSIONERS TO PROVIDE ROOMS FOR CONFINEMENT OF JUVENILE OFFENDERS AWAITING TRIAL AND HEARING. MAINTENANCE OF SUCH CHILDREN.** It shall be the duty of the board of county commissioners, in each county of the Commonwealth, to provide, furnish, and heat, within the county, a separate room, or rooms, or a suitable building, to be used exclusively for the confinement of any and all children, under the age of sixteen years, who may be in custody awaiting trial or hearing in the courts of the county, and to provide for the maintenance and care of such children while in custody.

Sec. 1, Act of July 21, 1913, P. L. 870, amending Sec. 1, Act of April 3, 1903, P. L. 137.

**18. CITIES OF FIRST AND SECOND CLASS TO ESTABLISH HOUSES FOR DETENTION OF DELINQUENT, NEGLECTED AND DEPENDENT CHILDREN AWAITING DISPOSITION BY COURTS.** In every city of the first and second class there shall be provided, in the way hereinafter mentioned, a house or houses of detention, for the reception of untried juvenile offenders and neglected and dependent children under the age of sixteen years, who may be in the custody of an officer appointed or elected under any law of this Commonwealth, and whose cases may be under judicial investigation under any laws of this Commonwealth, pending such investigation and final determination of such case or cases.

Sec. 1, Act of July 2, 1901, P. L. 601.

This act was held to be constitutional in *Price v. Walton*, 49 *Sup. Ct.*, 1, *see p. 13*.



**19. APPOINTMENT OF BOARD OF MANAGERS.** Houses of detention, established under the provisions of this act, shall be provided and managed by a board of managers, consisting of five members, two of whom shall be women; said board of managers to be appointed by the judges of the courts of oyer and terminer and general jail delivery and the courts of quarter sessions of the peace having jurisdiction in the said respective cities.

Sec. 2, Act of July 2, 1901, P. L. 601.

**20. BOARDS OF MANAGERS NOT TO RECEIVE COMPENSATION. TERMS. REMOVAL.** The board of managers provided for in this act shall serve without compensation, and shall hold office for two years and until their successors are appointed, subject to removal by the judge of the said court.

Sec. 3, Act of July 2, 1901, P. L. 601.

**21. DUTIES OF BOARD OF MANAGERS.** The duties of the said board of managers shall be to provide a house or houses, by leasing the same or otherwise, for the reception of children to be placed therein under the provisions of this act, to alter said house or houses for such purpose, to keep the same in repair, and generally to fit and furnish said house or houses so that the same may be suitable for the care of the children intended to be received, and especially to arrange such house or houses so that a separate room (so far as possible) may be provided for the accommodation of each child who may be received therein, and generally to supervise and oversee the management of said house or houses.

Sec. 4, Act of July 2, 1901, P. L. 601.

These duties are not a municipal but a county function. *Price v. Walton*, 49 Sup. Ct., 1.

**22. EXPENSES HOW ITEMIZED AND PAID.** Expenses incurred in the performance of the said duties of the board of managers shall be itemized, and presented with proper vouchers to the county commissioners of the county containing the city for which said board of managers may be appointed, who shall be required to pay the said expenses.

Sec. 5, Act of July 2, 1901, P. L. 601.

Contracts made for materials for the maintenance of the house of detention are not for materials "required by the city," and do not "relate to city affairs," and therefore need not be advertised or in writing. *Price v. Walton*, 49 Sup. Ct., 1. In this connection see also section 9 of this act, infra section 26.

**23. NUMBER OF CHILDREN TO BE ADMITTED.** Not more than twenty-five (25) children shall be received into any single house of detention provided for in this act. Whenever it shall be necessary

to accommodate more than twenty-five (25) children of the class hereinbefore defined (pending such judicial disposition), it shall be the duty of the board of managers to provide an additional house or houses to accommodate such other children.

Sec. 6, Act of July 2, 1901, P. L. 601.

**24. APPOINTMENT OF PERSONS IN CHARGE OF HOUSE. SALARIES.** It shall be the duty of the board of managers to appoint a man and woman to take charge of the house and children committed to such house of detention, and generally to maintain order and discipline among the children so committed into their keeping. The salary or compensation to be paid to said care-takers shall be fixed by the board of managers, and certified to the county commissioners as one of the expenses of maintaining such house or houses of detention as are established by this act.

Sec. 7, Act of July 2, 1901, P. L. 601.

**25. WHEN CHILDREN NOT TO BE COMMITTED TO HOUSE.** It shall not be essential to commit a delinquent, dependent or neglected child to the house of detention established by this act if, in the judgment of the probation officer now or hereafter to be appointed under any present existing law or laws of this Commonwealth, it should be deemed expedient to otherwise dispose of said child.

Sec. 8, Act of July 2, 1901, P. L. 601.

**26. EXPENSES OF MAINTAINING HOUSES.** The cost and expenses of maintaining the houses of detention by this act established, shall be provided by the respective counties containing the said house or houses of detention, as the cost and expenses of maintaining county prisons are now provided.

Sec. 9, Act of July 2, 1901, P. L. 601.

For construction of this section and section 5 of this act, *supra* section 22, see *Price v. Walton*, 49 *Sup. Ct.*, 1.

**27. NECESSITY FOR PLACE FOR DETENTION OF UNTRIED JUVENILES IN PHILADELPHIA.** Whereas, There are annually in the city of Philadelphia, about two hundred and sixty juvenile offenders, mostly boys between the ages of eight and sixteen years, committed to the county prison and therein locked in a felon's cell who receive the stigma of having been imprisoned, many of them for a first and trivial offense, and though fifty per centum are discharged before trial, and twenty-five per centum at the trial by the magistrate, there is a growing desire on the part of the Pennsylvania Prison Society and many philanthropic people, to have established a house of detention for juvenile offenders below sixteen years, to be located in the neighborhood of the county prisons; and

Whereas, It is very desirable to remove such a stigma on the young offender, and try to reclaim him or her to the better walks of life, and believing that if the object be made known some benevolent persons will combine to make such a house or houses of detention a success speedily; and

Whereas, It is thought desirable to purchase some large old fashioned house that can be remodeled or adapted, or to erect a suitable building or buildings with the approval of the mayor of the city, the chief of department of public safety, the president of the board of inspectors of the county prison, and their prison agent, as to location, arrangement of such building, and equipment, that said house or houses of detention when fully completed may be transferred free of cost to the city authorities, and cared for in the same manner as the county prisons, therefore

Whereas to Act of May 12, 1897, P. L. 65.

**28. PLACES FOR DETENTION OF UNTRIED JUVENILES UNDER THE AGE OF SIXTEEN, IN FIRST CLASS CITIES.** Authority is herein granted to cities of the first class in the State of Pennsylvania, or to any reputable society connected with prison work associated with other benevolent donors, to purchase, alter or erect a suitable building or buildings, to be known as a house or houses of detention for untried juvenile prisoners of both sexes below the age of sixteen years, with convenient capacity for its needs in said cities of the first class.

Sec. 1, Act of May 12, 1897, P. L. 65.

The Act of July 2, 1901, P. L. 601, supra sections 18 to 26 requires cities of the first class to establish "houses of detention for the reception of untried juvenile offenders and neglected and dependent children under the age of sixteen years." Purdon's Digest considers this act repealed by the Act of 1901, while no mention of this act is made in Pepper and Lewis's Digest.

**29. LOCATION AND EQUIPMENT OF BUILDING WHO TO APPROVE.** The location, the building and equipment of said houses of detention shall be with the approval of the mayor of the city, the chief of the department of public safety, the president of the board of inspectors of the county prison and their prison agent.

Sec. 2, Act of May 12, 1897, P. L. 65.

**30. COST OF MAINTENANCE OF HOUSE OF DETENTION IN FIRST CLASS CITIES.** When fully completed for occupancy and transferred free of cost to the city authorities, the cost of maintaining said house or houses of detention shall be provided for in the same manner as the county prisons.

Sec. 3, Act of May 12, 1897, P. L. 65.

**31. APPOINTMENT OF BOARD OF MANAGERS. TERMS OF OFFICE. MANAGEMENT OF INSTITUTION.** There shall be a board of five managers appointed by the mayor who shall receive only reasonable official expenses, and shall hold their office for five years, and shall be so classified that one of their number shall go out of office on the first day of January of each year. They shall manage and direct in connection with the mayor and department of public safety the business thereof, and make all needful regulations therefor not inconsistent with the Constitution and laws of the Commonwealth.

Sec. 4, Act of May 12, 1897, P. L. 65.

**32. WHO TO BE RECEIVED AND DETAINED IN SUCH HOUSE OF DETENTION.** The said board of managers shall receive into said house or houses of detention all untried juveniles of either sex committed thereto under the age of sixteen years, (except those charged with murder or arson), and shall retain them until their dismissal by trial and conviction or acquittal.

Sec. 5, Act of May 12, 1897, P. L. 65.

**33. COMMITMENTS TO HOUSE OF DETENTION FOR UNTRIED JUVENILES BY COMMITTING MAGISTRATES.** When the buildings are ready for occupancy and its regulations established, the committing magistrate shall be officially notified by the mayor that after a given date all untried juveniles below sixteen years of age are to be sent to said house or houses of detention in place of the county prison. The judges of the court of quarter sessions and the magistrates of the county of Philadelphia are hereby empowered to commit all minors under the age of sixteen years charged with any offense against the law to the house of detention while awaiting trial, or while their cases are being investigated.

Sec. 6, Act of May 12, 1897, P. L. 65.

**IV**

**PROCEEDINGS IN JUVENILE COURTS. HEARING. COMMITMENT. APPEALS. COSTS.**

**FOR COMMITMENT TO PARTICULAR INSTITUTIONS SEE THE FOLLOWING SECTIONS:**

	Section.
Pennsylvania Industrial Reformatory at Huntingdon, .....	65-71
Pennsylvania Training School at Morganza, .....	87-89, 91
State Industrial Home for Women, .....	103, 104, 108

Glen Mills Schools, .....	115, 117-121, 123
County Schools, .....	134, 144
House of Correction, Employment and Reformation of Philadelphia, .....	151-155
Homes for Friendless Children, .....	163
Philadelphia Protectory, .....	165, 166
Incorporated Societies, .....	167-170

**34. JUSTICES OF THE PEACE AND MAGISTRATES NOT TO COMMIT CHILDREN UNDER SIXTEEN YEARS OF AGE.** No child under the age of sixteen years shall be committed by any magistrate or justice of the peace to any institution for the purpose of correction or reformation, but all applications for such commitment shall be made to the court of quarter sessions of the county.

Sec. 1, Act of March 26, 1903, P. L. 66.

In Allegheny County this application should now be made to the county court, and in Philadelphia County to the municipal court.

**35. TRIALS OF CHILDREN TO BE HELD SEPARATE AND APART.** All cases involving the commitment or trial of children for any crime or misdemeanor, before any magistrate or justice of the peace, or in any court, may be heard and determined by such court at suitable times to be designated therefor by it, separate and apart from the trial of other criminal cases, of which session a separate docket and record shall be kept.

Sec. 2, Act of June 12, 1893, P. L. 459, No. 328.

It would seem that this section would not apply to proceedings in the juvenile courts, which are fully covered by section 1 of the Act of April 23, 1903, P. L. 274, supra section three; but only to cases of children over sixteen, and to such cases as are tried on indictments in the courts of oyer and terminer and quarter sessions, as provided in section 11, of the Act of April 23, 1903, P. L. 274, infra section 48. See also section immediately preceding as to commitments by magistrates and justices of the peace.

**36. HEARINGS. DISPOSITION OF CHILDREN. SUPPORT BY PARENTS. REFERENCE TO PROBATION OFFICERS OF NON-SUPPORT CASES. RECORDS OF DISCHARGES FROM INSTITUTIONS TO BE KEPT.** At the hearing, the judge or judges holding such sessions of the court shall determine, after an inquiry into the facts, what order for the commitment and custody and care of the child, the child's own good and the best interests of the State may require; and may commit such child to the care of its parents, subject to the supervision of a probation officer, or to some suitable institution, or the care of some reputable citizen of good moral character, or to the care of some training school, or to an industrial school, or to the care of some association willing to receive it; and, in either

case, it shall be within the power of the court to make an order upon the parent or parents of any such child to contribute to the support of the child such sum as the court may determine; and the court shall have full power and authority to refer non-support cases to the desertion probation officers, and to enforce said order of court in the same way as the court of quarter sessions of the peace may refer cases, and enforce the order for support made, under and by virtue of "An act for the relief of wives and children deserted by their husbands and fathers within this Commonwealth," approved the thirteenth day of April, Anno Domini one thousand eight hundred and sixty-seven, and the supplements thereto, which have been heretofore or may hereafter be passed; it being further provided, that in all cases in which a delinquent child shall be committed to the care of a reformatory institution, when such child shall be discharged from such institution the court shall be duly advised thereof, and a record of such discharge shall be kept in the juvenile court docket.

Sec. 1, Act of June 15, 1911, P. L. 959, amending Sec. 4, Act of April 23, 1903, P. L. 274.

The cases of non-support referred to in this section likely include only such as are brought to the attention of the court in the exercise of its jurisdiction over dependent and neglected children as defined in section 1 of the Act of April 23, 1903, P. L. 274, *supra* section 2.

For provisions as to liability for cost of commitment, maintenance and instruction generally, see *infra* Chapter V.

**37. HEARINGS MAY BE CONTINUED. COMMITMENT OF CHILDREN. COST OF MAINTENANCE BY WHOM PAYABLE.**  
In the case of a delinquent, dependent, neglected, or incorrigible child the court may continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer, duly appointed by the court, and may allow said child to remain in its own home, subject to the visitation of the probation officer,—such child to report to the probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary,—or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, subject to the supervision of such probation officer,—or it may authorize the said probation officer to board out the said child in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, or may direct that the payment of the board of such child be made by the proper county, until a suitable provision may be made for the child in a home without such payment; or the court may commit the child to a suitable institution for the care of delinquent children, or to any society, duly incorporated, having for one of its objects the protection of dependent,

neglected or delinquent children. In any case of the commitment of a dependent, neglected, incorrigible, or delinquent child, under the provisions of this section, the court committing such child may order and direct that the board and clothing of, and necessary medical and surgical attendance upon and the care of, such child, and its maintenance generally, shall be paid by the proper county, and may fix the amount which shall be paid for such board and clothing.

Sec. 1, Act of May 13, 1915, P. L. 304, amending Sec. 6, Act of April 23, 1903, P. L. 274, as amended by the Acts of June 1, 1911, P. L. 543, and July 25, 1913, P. L. 1039.

For provisions as to liability for cost of commitment, maintenance and instruction generally, see *infra* Chapter V.

**38. IN COMMITMENTS RELIGIOUS BELIEFS OF PARENTS TO BE RESPECTED. CARE AND CUSTODY TO BE OF PARENTAL NATURE. APPROVED FAMILIES TO BE SELECTED. ADOPTION.** The court, in making all orders for the commitment of children, shall place them, as far as possible, in care and custody of persons having the same religious belief as the parents of the child, or with some association which is controlled by persons of such religious belief; and shall, as far as possible, provide, in making orders of commitment, that the care, custody and discipline of the child shall be as nearly as possible that which should be given by its parents. In all cases where it can properly be done, the child shall be placed in an approved family home, and become a member of the family by legal adoption or otherwise.

Sec. 9, Act of April 23, 1903, P. L. 274.

**39. CHILDREN UNDER TWELVE YEARS OF AGE NOT TO BE COMMITTED TO CORRECTIONAL INSTITUTIONS. WHERE DELINQUENT AND DEPENDENT OR NEGLECTED CHILDREN TO BE COMMITTED.** It shall not be lawful to commit the custody of any delinquent child, under the age of twelve years, to any institution of correction or reformation, unless, after the care and oversight given such child under the probation system provided for by this act, the court finds that the best interests of the child and the welfare of the community require such commitment; and it shall not be lawful to commit the custody of any neglected or dependent child, (who is delinquent,) to any institution of correction or reformation in which delinquent children are received, nor shall any delinquent child be committed to any institution in which dependent or neglected children are received.

Sec. 10, Act of April 23, 1903, P. L. 274.

The words in brackets, "who is delinquent," it seems should be admitted from this section.



40. COMMITMENT AND RECEPTION OF JUVENILES CONVICTED IN DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES. All jailors, prison keepers, wardens, managers, and their and each and every of their deputies, having control or charge of any reformatory, house of refuge, or other institution for juvenile delinquents or juvenile convicts, now in existence or hereafter to be created within this Commonwealth, be and the same are hereby empowered and directed to receive into such reformatory, house of correction, or other institution for juvenile delinquents or juvenile convicts, all persons convicted and sentenced by any circuit or district court of the United States in and for the Eastern and Western districts of Pennsylvania of any criminal offense, when by virtue of the laws of this Commonwealth they are now empowered or directed, or may hereafter be empowered or directed, to receive juvenile delinquents or convicts convicted and sentenced in courts of oyer and terminer or quarter sessions of the peace in and for this Commonwealth, or committed to any such reform institution by a magistrate, alderman or justice of the peace, or other judicial officer of this Commonwealth having power to so commit: Provided, That no such convict shall be so admitted unless residing within this Commonwealth.

Sec. 1, Act of March 22, 1899, P. L. 15, No. 12.

For the support and maintenance of such committed persons see *infra* section 64.

41. ORPHANS' COURT MAY APPOINT GUARDIAN WHEN PERSON HAVING CUSTODY OR CONTROL OF MINOR IS CONVICTED OF CERTAIN OFFENCES. RELIGIOUS BELIEF OF PARENT TO BE CONSIDERED. REMAND OF CUSTODY TO PARENT. Whenever any person having the custody or control of any minor, shall be convicted of a violation of any of the provisions of this act, it shall be lawful for any person to apply to the orphans' court of the county wherein the offense has been committed, for the appointment of a proper guardian for the person of such minor; and the said court may, in its discretion, make such appointment, having due regard in the selection of a guardian to the religious persuasion of the parent or former guardian, or it may place such child in an asylum or home for children, with the powers of a guardian of the person as may be most expedient: Provided, however, That the children of Roman Catholic parents shall be placed in asylums under the control and care of that denomination; and the said court may order the parent to pay such a reasonable sum towards the maintenance of such child, and at such times and in such amounts, as the said court may see fit; and such courts may at any subsequent time, upon being satisfied that the parent has become a fit person to resume the custody of said minor, and upon reasonable security to be fixed by the court being given for the faithful observance of the provisions

of this act, remand such minor to the custody of such parent, subject nevertheless to the obligation of any indentures or legal engagements already entered into on behalf of said minor by his or her guardian.

Sec. 7, Act of June 11, 1879, P. L. 142.

The provisions of this act above referred to are contained in sections 1 to 5 of this act, and prohibit the cruel ill-treatment of any minor, or the employment of children below certain ages in certain theatrical or immoral exhibitions, or where such exhibitions are shown, or in employments dangerous to the health, life or limb of such child, or for purposes of prostitution, or for begging, playing instruments, etc., in the streets or highways, or the employment in dance halls or places where liquor is kept, sold or given away, or in mines or any underground work.

**42. JUSTICE OF THE PEACE, MAGISTRATE OR COURT MAY COMMIT MINOR TO HUMANE SOCIETY IN CERTAIN CASES. SOCIETY TO HAVE RIGHTS OF GUARDIAN. MAY APPLY TO ORPHANS' COURT FOR APPOINTMENT OF GUARDIAN.** Whenever any person having the care, custody or control of any minor child, shall be convicted of an assault, or an assault and battery, upon such child, or of any violation of the provisions of this act, it shall be lawful for the justice of the peace, magistrate or court before whom such conviction has taken place, or where the parents or proper guardian of any child cannot be found, it shall be lawful for any magistrate or court, to commit such child to the care and custody of any duly authorized or incorporated humane society, having for one of its objects the protection of children from cruelty; and such society shall thereupon have all the rights of a guardian of the person of such child, but such society may at any time apply to the orphan's court of the proper county for the appointment of a guardian of the person, or the commitment of such child to an asylum or home for children, as provided in the seventh section of this act.

Sec. 9, Act of June 11, 1879, P. L. 142.

The provisions of this act above referred to are contained in sections 1 to 5 of this act, and prohibit the cruel ill-treatment of any minor, or the employment of children below certain ages in certain theatrical or immoral exhibitions, or where such exhibitions are shown, or in employments dangerous to the health, life or limb of such child, or for purposes of prostitution, or for begging, playing instruments, etc., in the streets or highways, or the employment in dance halls or places where liquor is kept, sold or given away, or in mines or any underground work.

As to commitments by justices of the peace and magistrates, of children under sixteen years, however, see section 1, Act of March 23, 1903, P. L. 66, supra section 34.

**43. COMMITMENT TO GUARDIANS OF THE POOR IN CERTAIN CASES.** Whenever the parents or proper guardian of any infant unable to support itself, have been convicted of any of the

offences enumerated in this act, or are dead or cannot be found, and there is no other person legally responsible for the maintenance and support of such child, willing to assume such support, or to be found within the county, any magistrate or court of record of the county in which such child may be found, may commit such child to the care and custody of the guardians of the poor of the said county, but nothing herein contained shall exempt any person from the duty of maintaining and supporting such child as now imposed by law.

Sec. 12, Act of June 11, 1879, P. L. 142.

See note to section immediately preceding.

See section 1, Act of June 13, 1883, P. L. 111, *infra* section 171 prohibiting poor authorities from retaining children in poor houses when between the ages of two and sixteen years.

**44. CHILDREN UNDER RESTRAINT OR CONVICTION NOT TO BE PLACED IN CONTACT WITH ADULT CRIMINALS.** No child under restraint or conviction, under sixteen years of age, shall be placed in any apartment or cell of any prison or place of confinement, or in any court room during the trial of adults, or in any vehicle of transportation in company with adults charged with or convicted of crime.

Sec. 1, Act of June 12, 1893, P. L. 459, No. 328.

For provisions as to children awaiting a hearing in the juvenile courts, see section 7 of the Act of April 23, 1903, P. L. 274, *supra* section 14. See also *supra* sections 15 to 33, as to places for detention of children awaiting trial generally.

**45. ORDERS OF COURT RESPECTING COMMITMENT, ETC., OF CHILDREN SUBJECT TO AMENDMENT, CHANGE OR EXTENSION.** All orders which may hereafter be made by the several courts of quarter sessions of the peace of this Commonwealth, respecting the commitment to institutions, or other judicial disposal, of minors, under the age of sixteen years, by virtue of the several provisions of this act or any of them, shall be subject to amendment, change or extension by the judges thereof sitting in juvenile court, upon motion of the district attorney or chief probation officer, or upon petition of any other person or persons in interest, after at least five (5) days' written notice both to the district attorney and the chief probation officer, up to the time when such minors shall have attained the age of twenty-one years; and in the case of any minor to whom the jurisdiction of the juvenile court has attached or shall attach under any of the provisions of this act, and who has been or shall be released on probation before he or she has attained the age of sixteen years, such probation shall, at the discretion of the judge of the juvenile court, be taken to continue in full force and effect until such minor attains the age of twenty-one years.

Sec. 1, Act of April 22, 1909, P. L. 119, amending Sec. 8, Act of April 23, 1903, P. L. 274.

See sections 1 and 2 of the Act of June 1, 1915, P. L. 652, *infra* sections 46 and 47, relating to the review of juvenile cases and the revocation and modification of final orders.

**46. REVIEW OF JUVENILE CASES. APPEALS TO SUPERIOR COURT.** Within twenty-one (21) days after the final order or decree of any of the courts of this Commonwealth, sitting as a juvenile court, or any judge sitting as such, committing or placing any dependent, neglected, incorrigible, delinquent, or other kind of child or children to any institution, reputable citizen, or to the care of some training school or an industrial school, or to the care of some institution willing to receive it or them, or to any other person or persons, except to their respective parent or parents, such child or children shall as a matter of right, by its or their parent or parents or next friend, have the right to present to such courts sitting as juvenile courts, or judge sitting as such, a petition to have its or their case or cases reviewed and reheard, if in the estimation of such parent, parents, or next friend an error of fact or of law, or of both, has been made in such proceedings or final orders, or if the said order has been improvidently or inadvertently made; and, upon the presentation of such petition, the said courts sitting as juvenile courts, or judge sitting as such, shall grant such review and rehearing as a matter of right; and it shall be required that the testimony be taken down at such reviews and rehearings and transcribed by an official court stenographer, at the cost of the party requesting such review and rehearing, which testimony shall be duly made a part of the record in such cases. From the final order or decree of such courts of this Commonwealth sitting as juvenile courts, or judge sitting as such court, in proceedings for such rehearings and reviews, appeals shall lie as a matter of right to the Superior Court of this Commonwealth, upon the same terms and with the same regulations as are provided by existing laws in regard to appeals from any definitive sentence or decree of the orphans' court, and in hearing such appeals the Superior Court shall consider the testimony as a part of the record.

Sec. 1, Act of June 1, 1915, P. L. 652.

**47. REVOCATION AND MODIFICATION OF FINAL ORDERS AFTER COMMITMENT. APPEALS TO THE SUPERIOR COURT.** If, at any time after the final order or decree of any of the courts of this Commonwealth sitting as juvenile courts, or any judge sitting as such, placing or committing any dependent, neglected, incorrigible, delinquent, or other child or children to any institution, citizen, training school, industrial school, or to the care of some institution willing to receive it or them, or to any other person or persons, such

a change of circumstances should take place, that, in the estimation of the parent or parents or next friend of such child or children, should warrant the revocation or modification of such final orders or decrees, such dependent, neglected, incorrigible, delinquent, or other child or children, hereinabove described, shall, by its or their parent or parents or next friend, have the right to file a petition in such courts sitting as juvenile courts, or with aforesaid judges sitting as such, asking for a revocation or modification of such final orders or decrees; and it shall be the duty of such courts sitting as juvenile courts, or judges sitting as such, to give a full and proper hearing on such petitions; and it shall be required that the testimony at such hearings be taken and transcribed by an official court stenographer, at the cost of the party requesting such hearing, and such testimony shall be duly made a part of the record in the case. From the final order or decree of such courts of this Commonwealth, sitting as juvenile courts, or judge sitting as such court, in proceedings for such hearings, mentioned in this paragraph, appeals shall lie as a matter of right to the Superior Court of this Commonwealth, upon the same terms and with the same regulations as are provided by existing laws in regard to appeals from any definitive sentence or decree of the orphans' court, and in hearing such appeals the Superior Court shall consider the testimony as part of the record.

Sec. 2, Act of June 1, 1915, P. L. 652.

See section 1 of the Act of April 22, 1909, P. L. 119, *supra* section 45 relating to the power of the court to make amendments, changes and extensions of orders.

**48. TRIAL OF CHILDREN IN QUARTER SESSIONS COURTS.** Nothing herein contained shall be in derogation of the powers of the courts of quarter sessions and over and terminer to try, upon an indictment, any delinquent child who, in due course, may be brought to trial.

Sec. 11, Act of April 23, 1903, P. L. 274.

"Nothing here contained" refers to the sections of the Act of April 23, 1903, P. L. 274. For these sections see sections 1, 2, 3, 9, 36, 198, 37, 14, 45, 38, 39.

**49. COSTS IN JUVENILE CASES. BY WHOM PAYABLE.** The judges of the juvenile courts of the several counties of this Commonwealth shall have power upon the disposition of any case heard or tried therein, to make an order disposing of the question of the payment of the costs, including fees of magistrates, constables, clerks of the courts, sheriffs and witnesses; and may impose them on the county, or on the complainant, if, after hearing, it be found that the complaint was made without proper cause, or upon the parent or parents, or guardian, or custodian of the child, if, after hearing, it be found that they were at fault, and are of ability to pay; but all

such costs shall, after hearing and order in the case, be immediately chargeable to and paid by the proper county: Provided, That the county shall be liable only, for the costs of such witnesses as the probation officer, general or special, shall certify were subpoenaed by his order, and were in attendance and necessary to the trial of the case, or such witnesses as the court shall certify were in attendance and necessary.

Sec. 1, Act of June 9, 1911, P. L. 836.

For costs of commitment, maintenance and instruction, see *infra* Chapter V.

**50. SHERIFFS' FEES IN CONNECTION WITH JUVENILE COURTS. CERTIFICATION OF PROBATION OFFICER. APPROVAL BY COURT. PAYMENT.** When, in the enforcement of the act above cited, to be supplemented, and in pursuance of its provisions, it shall become necessary for a process to issue, or when an order of court is made, the chief probation officer, if there be such, otherwise the probation officer in charge, may, in his or her discretion, call upon the sheriff of the county for assistance in service and execution of the same; and for the service so rendered by the sheriff, upon application of such probation officer, he shall be entitled to receive the following fees:

For receiving, making endorsements thereon, docketing, and making return of each such process, order, or notice, seventy-five cents. For executing any such process, order, or notice, where the child is to be taken into custody, seventy-five cents.

In addition thereto, for mileage in serving or executing any of the above processes, orders, or notices, the sheriff shall be entitled to receive and have taxed as costs, three cents a mile for each mile actually traveled and necessary, the same to be allowed on each separate process, order, or notice; provided, he shall not receive more than one mileage where the defendants, in two or more contemporaneous orders, process, or notice, are the same; and for the transportation of each child, three cents per mile, in addition to necessary help and expense.

Such probation officer shall certify to the judge presiding in the juvenile court the demand upon the sheriff for his services, together with a statement of the fees and expenses, and the court shall approve the same, or so much thereof as may be found correct, and direct by whom they shall be paid.

Sec. 1 Act of June 7, 1907, P. L. 438 supplementing Act of April 23, 1903, P. L. 274.

This section was repealed so far as it relates to counties having a population of not less than 300,000 and not more than 1,500,000 by the Act of April 9, 1915, P. L. 54 which act provides the following fees: viz:

"For each case acted upon by any juvenile court, one dollar and fifty cents."

Reformatory or to any charitable institution or to any institution where

"For removing \* \* \* any person to the \* \* \* Huntingdon persons are confined or detained, under any commitment, sentence, or order of court, two dollars and fifty cents on each commitment or order, in addition to mileage and necessary expenses. Provided, however, That the mileage for the person in charge under commitment or order shall be based upon the miles actually traveled by him."

"For attending court, bringing into and removing therefrom prisoners for arraignment, trial, and sentence, the sum of four dollars per day for the sheriff or each deputy, for each and every day of \* \* \* \* \* juvenile court, \* \* \* where the sheriff or deputy is actually present; to be paid by the county."

51. CONSTABLES' FEES IN CONNECTION WITH JUVENILE COURTS. CERTIFICATION BY PROBATION OFFICERS. APPROVAL BY COURT. PAYMENT. When, in pursuance of the provisions of said act, a child under the age of sixteen years is arrested, with or without warrant, or is brought before a magistrate in any other proceeding and the case shall be transferred to the juvenile court the constable to whom shall be given the custody of such child for delivery to the officers of the juvenile court, shall be entitled to receive therefor the following fees, to be taxed as costs in the case; to wit,

For services performed in delivering such child to the juvenile court, seventy-five cents, together with three cents per mile for each mile actually traveled and necessary, and three cents per mile for the transportation of each such child, in addition to necessary help and expense.

Such probation officer shall certify the account of the constable performing such service to the judge presiding in the juvenile court, who shall approve the same, or so much thereof as may be found correct, and direct by whom it shall be paid.

Sec. 2, Act of June 7, 1907, P. L. 438 supplementing Act of April 23, 1903, P. L. 274.

52. SHERIFFS' AND CONSTABLES' FEES BY WHOM PAYABLE. The court in disposing of the question of the payment of the costs provided for in this act, may impose them on the county; or on the complainant, if, after hearing, it be found that the complaint was made without probable cause; or upon the parent or parents, or guardian or custodian, of the child, if, after hearing, it be found that they were at fault and are of ability to pay.

Sec. 4, Act of June 7, 1907, P. L. 438, supplementing Act of April 23, 1903, P. L. 274.

The costs herein referred to are those imposed under the two sections immediately preceding and section three of this same act, *infra* section 55.



**53. COSTS OF HEARING IN CERTAIN CASES BEFORE MAGISTRATE OR JUSTICE WHEN MINOR NOT COMMITTED.** Whenever, in the enforcement of the act to which this is a supplement, any magistrate or justice of the peace, after hearing, shall be of the opinion that the minor should not be committed to said society, and shall discharge such minor, the costs of the proceedings before such magistrate or justice shall be paid by the proper county.

Sec. 1, Act of May 11, 1911, P. L. 270, supplementing the Act of June 8, 1893, P. L. 399, *infra* sections 167 to 170.

The Act of June 8, 1893, P. L. 399, provides for the commitment of delinquents to incorporated societies having for their objects the protection of children from cruelty or the placing of children not otherwise provided for in families.

**54. COSTS OF HEARING IN CERTAIN CASES BEFORE COURTS OF QUARTER SESSIONS.** Whenever any judge of any court of quarter sessions shall make an order for the detention of any minor, as provided for in said act, or shall order the discharge of said minor, such judge may direct whether all the costs of such proceedings be paid by the proper county or by the complainant, or by both in such proportion as to such judge shall seem equitable.

Sec. 2, Act of May 11, 1911, P. L. 270, supplementing the Act of June 8, 1893, P. L. 399, *infra* sections 167 to 170.

See notes to section immediately preceding.

## V.

### LIABILITY FOR COST OF COMMITMENT, MAINTENANCE AND INSTRUCTION OF JUVENILE OFFENDERS AND INDIGENT, NEGLECTED AND DEPENDENT CHILDREN.

Courts committing juvenile offenders may make an order upon the parent or parents of such child to contribute to its support; see Sec. 1, Act of June 15, 1911, P. L. 950, amending Sec. 4, Act of April 23, 1903, P. L. 274, *supra* section 36.

Where the court commits a juvenile offender to a family home or to an institution for the care of delinquent children or to an incorporated society, it may order and direct that the board and clothing and necessary medical and surgical attendance and the maintenance generally shall be paid by the county; see Sec. 1, Act of May 13, 1915, P. L. 304, amending Sec. 6, Act of April 23, 1903, P. L. 274, as amended by the Act of June 1, 1911, P. L. 543 and July 25, 1913, P. L. 1039, *supra* section 37.

As to liability for costs of proceedings prior to commitment, see *supra* sections 17, 26 and 30.

**FOR LIABILITY FOR COST OF MAINTENANCE AND INSTRUCTION OF CHILDREN IN PARTICULAR INSTITUTIONS. SEE THE FOLLOWING SECTIONS:**

	Section
Pennsylvania Industrial Reformatory at Huntingdon, .....	86
Pennsylvania Training School at Morganza, .....	90-92, 96
State Industrial Home for Women at Muncy Station, .....	113, 114
Glen Mills Schools, .....	119
County Schools, .....	134, 144

**55. EXPENSES OF REMOVAL BEYOND COUNTY LIMITS OF CHILDREN COMMITTED BY JUVENILE COURTS.** When the court, after trial or hearing, makes such disposition of a child as requires its transportation to a point outside of the county, the necessary expenses of its removal and those of the probation officer in charge, shall be certified, as above provided, to the judge presiding, who shall approve the same, or so much thereof as may be found correct, and direct by whom it shall be paid.

Sec. 3, Act of June 7, 1907, P. L. 438, supplementing Act of April 23, 1903, P. L. 274.

The manner of certifying these expenses is provided in sections one and two of this act. See supra sections 50 and 51.

The "court" herein referred to is the juvenile court. This section it seems would apply to the removal of children under the age of sixteen years only.

**56. WHO LIABLE FOR COST OF REMOVAL OF CHILDREN.** The court, in disposing of the question of the payment of the costs provided for in this act, may impose them on the county; or on the complainant, if, after hearing, it be found that the complaint was made without probable cause; or upon the parent or parents, or guardian or custodian of the child, if after hearing, it be found that they were at fault and are of ability to pay.

Sec. 4, Act of June 7, 1907, P. L. 438, supplementing Act of April 23, 1903, P. L. 274.

The costs herein referred to are those imposed under the section immediately preceding and for sheriffs' and constables' fees imposed under sections one and two of this act. See supra sections 50 and 51.

**57. LIABILITY OF COUNTIES FOR COST OF COMMITMENT AND MAINTENANCE OF NEGLECTED AND DEPENDENT CHILDREN. RECOURSE AGAINST PARTIES LIABLE AND POOR DISTRICTS.** Where any neglected or dependent child is or shall be committed to the care and custody of any association, society,

person or family, by any court, and an order for the payment of the maintenance of the child and the expense of such commitment is made upon the proper county, in pursuance of the laws of this Commonwealth, the county from which such child has been committed to the said association, society, person, or family, shall be liable to the said association, society, person, or family for the maintenance of the said child and all expenses connected therewith: Provided, That the county shall in all cases have full recourse to recover all expenses incurred in behalf of said child so committed from the parties or persons or poor district properly charged therewith under the laws of this Commonwealth.

Sec. 1, Act of May 8, 1913, P. L. 177.

Quaere: Whether this section applies to children under the age of sixteen only or to all minors?

**58. LIABILITY OF COUNTIES FOR COST OF COMMITMENT AND MAINTENANCE OF INDIGENT AND DEPENDENT CHILDREN. RECOURSE AGAINST PARENTS AND RELATIVES.** Whenever hereafter any indigent or dependent child shall be committed by any judge or other competent authority to the care and custody of any person or family, for the purpose of maintenance and education in the home of such person or family, such child shall be conveyed to such home by the county commissioners, sheriff, or other proper officer, at the expense of the proper county, and the cost of maintenance of such child shall also be paid by the proper county, but at a sum not exceeding what it would cost to maintain and educate such child in the house of refuge, or other public institution of such county: Provided, however, That if at any time the parents or other relatives of such child shall become able to pay such costs, or to refund the money already paid, the said county may apply for and obtain an order for the payment thereof, and enforce the same, in the same court, and in the same manner as is or may be provided by law for compelling the maintenance and support of deserted wives and children.

Sec. 1, Act of May 31, 1907, P. L. 331.

Quaere: Whether this section applies to children under the age of sixteen years only or to all minors?

**59. LIABILITY OF COUNTIES FOR COST OF MAINTENANCE AND INSTRUCTION OF CHILDREN COMMITTED TO INDUSTRIAL SCHOOLS; RENDERING OF ACCOUNTS; PAYMENT.** Whenever a child shall have been committed by a court or judge thereof to any industrial school, or other institution of like character, or shall become an inmate thereof, whose parents or guardian are not of sufficient ability to pay the expense of maintaining and instructing such child, such maintenance and instruction shall be

paid by the county from which such child shall have been committed; Provided, however, That the actual cost of maintaining and instructing such child shall be paid only, and in no event shall such per capita maintenance and instruction exceed the amount of per capita cost of maintenance and instruction of inmates of the House of Refuge.

And provided also, That the treasurer of such industrial school, or other institution of like character, shall transmit an account quarterly, to the commissioners of such county as may have become indebted for the maintenance and instruction of inmates in such industrial school, or other like institution, which account shall be signed, by said treasurer and sworn or affirmed to by him, and attested by the superintendent of the department of such industrial school, or other institution of like character, in which such inmates may be living. It shall be the duty of said commissioners immediately upon receipt of said accounts to order the treasurer of their respective counties to pay the same.

Sec. 1, Act of April 15, 1903, P. L. 208.

This section seems to apply to all children below the age of twenty-one years.

**60. LIABILITY OF COUNTIES AND STATE FOR COST OF MAINTENANCE AND INSTRUCTION OF JUVENILE OFFENDERS COMMITTED TO HOUSES OF REFUGE NOT EXCLUSIVELY UNDER STATE CONTRACT.** Whenever a child shall be or heretofore shall have been committed to any House of Refuge which is not exclusively under State control, and shall become or shall have become an inmate thereof, one-half of the expense of maintaining and instructing such child hereafter shall be borne by the county from which such child shall have been received, and the remaining one-half shall be paid out of the appropriations made to such House of Refuge, from time to time, by the State. The method of collecting the amount due by the several counties from which children have been sent, shall be by orders drawn by the treasurer of any such House of Refuge on the treasurers of said counties, who shall accept and pay the same; Provided, That the said orders shall be presented quarterly, on the first days of May, August, November, and February, in each and every year, or as soon thereafter as may be convenient. And provided also, that the treasurer of such House of Refuge, on or before the first Monday of the preceding month, shall transmit, by the public mail, to the commissioners of such of the counties as may have become indebted for the maintenance and instruction of inmates in such House of Refuge, an account of the expense of maintaining and instructing them, which account shall be signed by the treasurer, and sworn or affirmed to by him, and attested by the superintendent of the department of such House of Refuge in which each of such inmates may be

living. It shall be the duty of the said commissioners, immediately upon the receipt of said accounts, to give notice to the treasurers of their respective counties of the amount of said accounts, with instructions to collect and retain money for the payment of said orders when presented. For the purpose of fixing the amount to be charged for the maintenance and instruction of each inmate, the per capita cost of maintaining and conducting such House of Refuge for the year terminating on the preceding thirty-first day of December shall be taken as the rate to be charged, and one-half of such per capita cost, so calculated, shall be charged to the respective counties for each child from such counties.

Sec. 1, Act of March 27, 1903, P. L. 83.

See note to section next succeeding.

This section seems to include all children under the age of twenty-one years.

**61. LIABILITY OF COUNTIES AND STATE FOR COST OF MAINTENANCE AND INSTRUCTION OF JUVENILE OFFENDERS, COMMITTED TO HOUSES OF REFUGE NOT EXCLUSIVELY UNDER STATE CONTROL.** Whenever a child shall be committed to any House of Refuge which is not exclusively under State control, and shall become an inmate thereof, one-half of the expense of maintaining and instructing such child shall be borne by the county from which such child shall have been received, and the remaining one-half shall be paid out of the appropriations made to such House of Refuge, from time to time, by the State. The method of collecting the amount due by the several counties, from which children have been sent, shall be by orders drawn by the treasurer of any such House of Refuge on the treasurers of said counties, who shall accept and pay the same: Provided, That the said orders shall be presented quarterly, on the first days of May, August, November and February in each and every year, or as soon thereafter as may be convenient: And provided also, That the treasurer of such House of Refuge, on or before the first Monday of the preceding month, shall transmit by the public mail, to the commissioners of such of the counties as may have become indebted for the maintenance and instruction of inmates in such House of Refuge, an account of the expense of maintaining and instructing them, which account shall be signed by the treasurer and sworn or affirmed to by him, and attested by the superintendent of the department of such House of Refuge in which each of such inmates may be living. It shall be the duty of the said commissioners immediately upon the receipt of said accounts, to give notices to the treasurers of their respective counties of the amount of said accounts, with instructions to collect and retain money for the payment of said orders when presented. For the purpose of fixing

the amount to be charged for the maintenance and instruction of each inmate, the per capita cost of maintaining and conducting such House of Refuge for the year terminating on the preceding thirty-first day of December shall be taken as the rate to be charged, and one-half of such per capita cost, so calculated, shall be charged to the respective counties for each child from such counties.

Sec. 1, Act of May 11, 1901, P. L. 158.

This act seems to be entirely supplied by the Act of March 27, 1903, P. L. 83, immediately preceding, which was evidently passed because this act had been declared unconstitutional by the Court of Common Pleas of Luzerne County in 1902, which ruling was subsequently reversed by the Supreme Court in *House of Refuge v. Luzerne County*, 215 Pa., 489.

**62. LIABILITY OF COUNTIES FOR COST OF MAINTENANCE OF JUVENILE OFFENDERS COMMITTED TO HOMES OR INSTITUTIONS WITHOUT THE COMMONWEALTH.** Where the courts of quarter sessions of the peace of any county within this Commonwealth heretofore have or hereafter may sentence and commit children or minors, under the various juvenile court acts of this Commonwealth, to homes or institutions without this Commonwealth, in every such case such county, from which such child or minor has been or shall be so sentenced, shall be liable for a reasonable charge for such maintenance, when the amount is ascertained and approved as hereinafter provided for.

Sec. 1, Act of June 7, 1911, P. L. 676.

This section seems to include children under sixteen years only.

**63. RENDERING OF ITEMIZED STATEMENTS; CONTENTS; AUDIT AND PAYMENT.** Such institutions shall prepare a written itemized statement of its claim, in such form and detail as the controller of the county shall prescribe, which statement shall be signed and sworn to by its president, attested by its secretary, and shall be under its corporate seal, if incorporated; or, if not incorporated, the written statement shall show the fact, and shall be signed and sworn to by its superintendent, and attested by its chief clerk; and, when so prepared and presented to the proper officers of the respective county, it shall be audited, and the sum or sums found to be reasonably and equitably due by such officers shall be paid.

Sec. 2, Act of June 7, 1911, P. L. 676.

**64. COST OF SUPPORT AND MAINTENANCE OF DELINQUENTS COMMITTED BY UNITED STATES COURTS TO BE PAID BY THE UNITED STATES.** The cost for the support and

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maintenance of each convict, admitted into any such reform institution under the provision of this act, shall be paid for by the United States in the same manner as the United States now pays or may hereafter pay for the support and maintenance of persons convicted in the circuit and district courts of the United States in and for the Eastern and Western districts of Pennsylvania, and sentenced and committed to county jails or State penitentiaries in the Commonwealth of Pennsylvania.

Sec. 2, Act of March 22, 1899, P. L. 15, No. 12.

This section refers to persons resident of the Commonwealth sentenced to any reformatory, house of refuge, or other institution for juvenile delinquents or juvenile convicts by any circuit or district court of the United States. See Sec. 1, Act of March 22, 1899, P. L. 15, supra section 40.

## VI

### HOMES, SCHOOLS, SOCIETIES, INSTITUTIONS, HOUSES OF CORRECTION AND REFORMATION, AND REFORMATORIES FOR THE CARE, CUSTODY, CONTROL AND EDUCATION OF DELINQUENT, DEPENDENT AND NEGLECTED CHILDREN.

This chapter is devoted to the several important provisions of law relating to particular institutions to which delinquent, dependent, neglected and incorrigible children may be committed, or in which they may be cared for. While these institutions are not entirely devoted to the reception of children committed by juvenile courts, the laws relating to them are included as dealing with the subject of children generally. The chapter is arranged as follows:

(A) State Institutions:

- (1) Pennsylvania Industrial Reformatory at Huntingdon.
- (2) Pennsylvania Training School at Morganza.
- (3) State Industrial Home for Women at Muncy Station.

(B) Semi-State Institutions:

- (1) Glen Mills School.

(C) County Schools and County Industrial Homes.

- (1) County schools for the care, maintenance and instruction of male children committed by juvenile courts.
- (2) County schools for the care, maintenance and instruction of female children committed by juvenile courts.
- (3) County industrial homes for the care and training of children.

**(D) Municipal Institutions:**

- (1) House of Correction, Employment and Reformation of Philadelphia.

**(E) Miscellaneous Institutions:**

- (1) Homes for Friendless Children.
- (2) Philadelphia Protectory.
- (3) Incorporated Societies.

It seems that juvenile courts have jurisdiction to commit children only under the age of sixteen years. These commitments should be made generally to the Pennsylvania Training School at Morganza, Glen Mills Schools, Homes for Friendless Children, the Philadelphia Protectory, and certain incorporated societies. In counties containing a population from 300,000 to 1,200,000 male children may be committed by juvenile courts to the county schools established for that purpose, and in counties containing a population from 750,000 to 1,200,000 female children may be committed to similar institutions established for similar purposes. To these county schools may also be committed juvenile offenders from counties other than those by which the schools are maintained. It seems that juvenile courts may commit children between the ages of fifteen and sixteen to the Pennsylvania Industrial Reformatory at Huntingdon. The acts relating to this latter institution provide for the reception of persons between the ages of fifteen and twenty-five. To the State Industrial Home for Women persons over the age of sixteen only are committed. The House of Correction, Employment and Reformation, seems to be devoted largely to the reception of persons convicted in the municipal court, sitting as a misdemeanants' Court."

It may also be pertinent to note at this place that section 10 of the Act of April 23, 1903, P. L. 274, supra section 39 makes it unlawful to commit the custody of any neglected or dependent child \* \* \* \* to any institution of correction or reformation in which delinquent children are received, or to commit any delinquent child to any institution in which dependent or neglected children are received.

**(A) STATE INSTITUTIONS:**

- (1) Pennsylvania Industrial Reformatory at Huntingdon.

**65. COURTS MAY SENTENCE DELINQUENTS BETWEEN AGES OF FIFTEEN AND TWENTY-FIVE TO INSTITUTION. RECEPTION. CERTAIN LAWS EXTENDED TO INSTITUTION.** Any court in this Commonwealth, exercising criminal jurisdiction, may sentence to the said reformatory any male criminal, between the ages of fifteen and twenty-five years and not known to have been previously sentenced to a State prison in this or any other State or country, upon the conviction in such court of such male person of a crime punishable under existing laws in a State prison. And the said board of managers shall receive and take into said reformatory all male prisoners of the class aforesaid, who shall be legally sentenced on conviction as aforesaid; and all existing laws requiring



the courts of this Commonwealth to sentence to the State prison male prisoners convicted of any criminal offense between the ages of fifteen and twenty-five years, and not known to have been previously sentenced to a State prison in this Commonwealth, or any other State or country, shall be applicable to the said reformatory, so far as to enable courts to sentence the class of prisoners so last defined to said reformatory and not to a State prison.

Sec. 4, Act of April 28, 1887, P. L. 63, No. 30.

**66. DELINQUENTS TO BE IMPRISONED PURSUANT TO THE ACT OF APRIL 28, 1887, P. L. 63.** Any person, who shall be convicted of an offense punishable by imprisonment in the Pennsylvania Industrial Reformatory at Huntingdon and who, upon such conviction, shall be sentenced to imprisonment therein, shall be imprisoned according to this act and not otherwise.

Sec. 5, Act of April 28, 1887, P. L. 63, No. 30.

**67. SENTENCES TO BE WITHOUT LIMIT. BOARD OF MANAGERS TO TERMINATE SENTENCE.** Every sentence to the reformatory, of a person hereafter convicted of a felony or other crime, shall be a general sentence to imprisonment in the Pennsylvania Industrial Reformatory at Huntingdon, and the courts of this Commonwealth imposing such sentence shall not fix or limit the duration thereof. The term of such imprisonment of any person so convicted and sentenced shall be terminated by the board of managers of the reformatory, as authorized by this act; but such imprisonment shall not exceed the maximum term, provided by law, for the crime for which the prisoner was convicted and sentenced.

Sec. 6, Act of April 28, 1887, P. L. 63, No. 30.

**68. SENTENCES TO DEFINITE TERMS NOT TO BE VOID.** If, through oversight or otherwise, any person be sentenced to imprisonment in the said reformatory for a definite period of time, said sentence shall not for that reason be void, but the person so sentenced shall be entitled to the benefit and subject to the liabilities of this act, in the same manner and to the same extent as if the sentence had been in the terms required by section six of this act, and, in such case, said managers shall deliver to such offender a copy of this act and written information of his relation to said managers.

Sec. 13, Act of April 28, 1887, P. L. 63, No. 30.

**69. WHO MAY BE COMMITTED AND RECEIVED INTO REFORMATORY.** The said board of managers shall receive and take into said reformatory all male criminals, between the ages of fifteen and twenty-five and not known to have been previously sentenced to a penitentiary or state prison in this or any other state, who shall be legally sentenced to said reformatory, on conviction of any criminal offense in any court having jurisdiction thereof; and any such court may, in its discretion, sentence to said reformatory any such male person, convicted of a crime punishable by the laws of the state by imprisonment in the penitentiary, between the ages of fifteen and twenty-five as aforesaid; the discipline, to be observed in said reformatory, shall be such as is best calculated to promote and encourage the reformation of the prisoners therein confined, and the board of managers shall have power to use such means of reformation, consistent with the improvement of those confined therein, as they may deem expedient.

Sec. 8, Act of June 8, 1881, P. L. 63, No. 68, supplementing the Act of June 12, 1878, P. L. 179.

**70. LAWS REQUIRING SENTENCING OF MALES BETWEEN THE AGES OF FIFTEEN AND TWENTY-FIVE, EXTENDED TO REFORMATORY.** All provisions of existing laws, requiring the courts of this state to sentence male criminals, between the ages of fifteen and twenty-five, convicted of any criminal offense, to the penitentiary, shall, from and after the appointment and confirmation of the board of managers, provided for by section six of this act, apply to said industrial reformatory, so far as to enable courts to sentence the class of prisoners, mentioned in the eighth section of this act, to said industrial reformatory.

Sec. 9, Act of June 8, 1881, P. L. 63, No. 68, supplementing the Act of June 12, 1878, P. L. 179.

**71. CLERKS OF COURTS TO FURNISH RECORDS. FEES OF CLERKS OF COURTS FOR CERTIFYING RECORD.** Every clerk of any court by which a criminal shall be sentenced to the Pennsylvania Industrial Reformatory at Huntingdon shall furnish to the officer having such criminal in charge a record containing the trial and conviction of the defendant; and the clerk of the court shall receive such compensation as is now allowed by law for making and certifying to the record as in other criminal cases.

Sec. 8, Act of April 28, 1887, P. L. 63, No. 30.

**72. SHERIFFS TO CONVEY DELINQUENTS TO INSTITUTION.** When any person has been convicted and sentenced, it shall be the duty of the sheriff of the county in which the person has been so convicted and sentenced, to deliver the said person to the proper officer or officers of said reformatory institution at Huntingdon.

Sec. 9, Act of April 28, 1887, P. L. 63, No. 30.

**73. TRANSFER OF CONVICTS FROM PRISONS TO REFORMATORY.** Whenever there is unoccupied room in the reformatory, the board of managers may make requisitions upon the inspectors of State prisons, who shall select such number as is required by such requisition from among the youthful, well-behaved, and most promising convicts in the State prisons of the class described in section four of this act, and transfer them to the reformatory for education and treatment under the rules and regulations thereof; and the board of managers are hereby authorized to receive and detain, during the term of their sentence to the State prison, such prisoners so transferred; and the laws applicable to convicts in the State prison, so far as they relate to the commutation of imprisonment for good conduct, and the provisions of this act, shall be applicable to said convicts, when transferred under this section.

Sec. 7, Act of April 28, 1887, P. L. 63, No. 30.

**74. TRANSFER OF CERTAIN INMATES TO STATE PRISONS. RETURN OF PRISONERS UPON REQUISITIONS. BOARD OF MANAGERS TO ADOPT RULES.** The board of managers shall have the power to transfer temporarily to the State prison of the proper district any prisoner who, subsequent to his committal, shall be shown to their satisfaction to have been, at the time of his conviction, more than twenty-five years of age, or to have been previously convicted of crime; and may also so transfer any apparently incorrigible prisoner, whose presence in the reformatory appears to be seriously detrimental to the well being of the institution. And such managers may, by written requisitions, require the return to the reformatory of any person who may have been so transferred. The said board of managers shall also have power to make all rules and regulations necessary and proper, and not contrary to the Constitution and laws of this Commonwealth, for the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of all convicts in said reformatory, and shall have authority to prevent the escape of convicts at all hazards.

Sec. 10, Act of April 28, 1887, P. L. 63, No. 30.

75. LIST OF INMATES TO BE KEPT BY CLERK OF THE INSTITUTION. The clerk of the reformatory shall accurately keep a list of persons received, together with a table, under the following heads, giving the statements made by each person received at the time of reception, to be corrected, from time to time, as the superintendent, the physician and moral instructor may obtain fuller information from these persons during their custody.

Sec. 15, Act of April 28, 1887, P. L. 63, No. 30.

# Reception descriptive list of convicts received into the Pennsylvania

Number.	Name.	Color and Sex.		Crime.	Date of reception.	Date of sentence.	Sentenced.			
		Age.	White.	Black.			Years.	Months.	Days.	Number of.
			Male.	Male.						

Number.	County.		Educational.						Industrial Relations.			
	Nativity.	Where tried and convicted.	School.					Read and write imperfectly.	Unapprenticed.	Apprenticed and left.	Apprenticed and served.	Trade, how acquired.
			Private.	Public.	Never went.	Time at.	Age at leaving.					

Industrial Reformatory at Huntingdon, during the year 18—.

Convictions.		Occupation.		Description.							•
Where.		Before arrest.	At arrest.	Complexion.	Eyes.	Hair.	Stature.		Size of foot.	Weight.	
							Feet.	Inches.			

Conjugal Relations.			Parental Relations at 16.				Habits.				Any Relatives in Prison.			Pursuit.—From 15 to 25.	Cause of crime.	Relatives' residence.	Property and remarks.	
Single.	Married.	No. of children living.	Living.	Mother living.	Father living.	Dead.	Abstainer.	Moderate.	Occasionally intemperate.	Intemperate.	Yes.	No.	Whom ?					

76. TABULAR STATEMENT TO BE KEPT BY PHYSICIAN under the following heads, to be filled up from his personal, professional, or reformatory, at the time of his first examination of them, on their admission from such persons during their incarceration.

Sec. 16, Act of April 28, 1887, P. L. 63.

Convict Register No.	Name.	Color.				Sentence.	Nativity.	Health.				Conju- gality.	Trade.		Occupation before conviction.		
		Age.	White.	Black.	Mulatto.	Years.		Months.	Months of former sentence.	Physically good.	Physically bad.	Mentally good.	Mentally bad.	Single.		Married.	No. of children.

Convict Register No.	Hereditary Diseases.												Vaccinated.		
	Father consumptive.	or	Mother consumptive.	or	No. of brothers consumptive.	or	No. of sisters consumptive.	or	No. of uncles and aunts consumptive.	or	No. of brothers and sisters epileptic.	Inherited taints.	Father, mother, brother or sister with mental disease.	How often.	How long since.

OF INSTITUTION. The physician shall keep a tabular statement, sional examination, and from the statement of the persons in said reception, and corrected from fuller information thereafter obtained

School.		Parental Relations.				Cause of death.		Habits.							
								Intemperate.				Parental intemperate.		Prostitution.	
Attendant.					Age at death.										
Never went.															
Both living.															
Father dead.															
Mother dead.															
Both dead.															
M.															
F.															
Father.															
Mother.															
Abstainer.															
Moderate drinker.															
Occ. intemperate.															
Periodical.															
Intemperate.															
Father.															
Mother.															
Mistress.															
Or.															

No. of times gonorrhea.	Syphilis.	Chancre.	Ever had small pox.	Ever had varioloid.	Relatives now or ever were in prison. Where? For what crime? Whom? For what	Remarks.		
						On mental condition.	On physical condition.	General.



**77. AIM OF THE INSTITUTION. RULES AND REGULATIONS. CONTRACT LABOR SYSTEM NOT TO BE ESTABLISHED. RECORDS OF PRISONERS.** As the aim and purposes of the industrial reformatory is to prevent young first offenders against the laws of the State from becoming criminals, and to subject them while in custody in this reformatory to such remedial, preventative treatment, training, and instruction as may make them honest, reputable citizens, the board of managers is authorized and hereby empowered to establish, by rules and regulations governing the superintendent and other officers, such a system of discipline for the inmates as will secure to each instruction in the rudiments of an English education, and in such manual, handicraft, skilled vocations as may be useful to each of the inmates, after his discharge from the reformatory, whereby said person will be able to obtain self-supporting employment. The contract system of labor shall not exist in any form whatever in said reformatory, but the prisoners shall be employed by the Commonwealth. It shall be the duty of said board of managers to maintain such control over all prisoners committed to their custody as shall prevent them from committing crime, best secure their self-support, and accomplish their reformation. When any prisoner shall be received into the reformatory upon direct sentence thereto, they shall cause to be entered in a register the date of such admission, the name, age, nativity, and nationality of the prisoner, with such facts as can be ascertained of parentage, of early social influences as seem to indicate the constitutional and acquired defects and tendencies of the prisoner, and, based upon these, an estimate of the then present condition of the prisoner, and the best probable plan of treatment. Upon such register shall be entered, quarterly, yearly, or oftener, minutes of observed improvement, or deterioration of character, and notes as to methods and treatment employed; also all orders, or alterations, affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history, which may be brought to their knowledge.

Sec. 11, Act of April 28, 1887, P. L. 63, No. 30.

**78. SYSTEM OF CREDIT MARKS FOR GOOD CONDUCT, ETC. RECORDS OF INMATES. RULES AND REGULATIONS CONCERNING MARKS. DISCHARGE OF CERTAIN INMATES. GOVERNOR TO RESTORE CITIZENSHIP.** The board of managers shall, under a system of marks or otherwise, fix upon a uniform plan, under which they shall determine what number of marks or what credit shall be earned by each prisoner sentenced under the provisions of this act, as the condition of increased privilege, or of release from their control, which system shall be subject to revision from time to time. Each prisoner so sentenced shall be credited for

good, personal demeanor, diligence in labor and study, and for results accomplished, and be charged for derelictions, negligences and offenses. An abstract of the record in the case of each prisoner, remaining under control of the said board of managers, shall be made up semi-annually, considered by the managers at a regular meeting and filed with the Secretary of the Commonwealth; which abstract shall show the date of admission, the age and the then present situation, whether in the reformatory, State prison, asylum, or elsewhere, whether any and how much progress of improvement has been made, and the reason for release, or continued custody as the case may be. The managers shall establish rules and regulations by which the standing of each prisoner's account of marks or credit shall be made known to him, as often as once a month and oftener, if he shall at any time request it, and may make provisions by which any prisoner may see and converse with some one of said managers during every month. When it appears to the said managers that there is a strong or reasonable probability that any prisoner will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, then they shall issue to such prisoner on (an) absolute release from imprisonment, in the form provided in section fourteen of this act, and shall certify the fact of such release and the grounds thereof to the Governor; and the Governor may thereupon in his discretion restore such person to citizenship. But no petition or other form of application for the release of any prisoner shall be entertained by the managers. Nothing herein contained shall be construed to impair the power of the Governor to grant a pardon or commutation in any case.

Sec. 12, Act of April 28, 1887, P. L. 63, No. 30.

**79. VIOLATION OF PAROLE BY INMATES OF INDUSTRIAL REFORMATORY AT HUNTINGDON. PENALTY.** Whenever an inmate of the Pennsylvania Industrial Reformatory at Huntingdon shall be paroled and thereafter, when on his parole, shall in any manner violate the same and be declared a delinquent by the Board of Managers of said reformatory, he shall be liable to arrest and return at any time, and upon his return be required to serve the unexpired term of his possible maximum sentence, at the discretion of the Board of Managers, and the time from the date of his declared delinquency to the date of his return to the said Reformatory shall not be counted as any part or portion of such sentence.

Sec. 1, Act of June 6, 1893, P. L. 326, supplementing the Act of April 28, 1887, P. L. 63.

**80. ARREST OF INMATES OF INDUSTRIAL REFORMATORY AT HUNTINGDON, VIOLATING PAROLE.** Whenever any

such paroled inmate shall, as aforesaid, so violate his said parole and be declared a delinquent by the said Board of Managers, it shall be lawful for the president of the Board of Managers of the said Reformatory to issue his warrant to (a) detective or person authorized by law to execute criminal process, whose duty it shall be to arrest and deliver such paroled prisoner to the Reformatory at Huntingdon, the cost of executing such warrant and delivering the prisoner to the said Reformatory to be paid by the Board of Managers.

Sec. 2, Act of June 6, 1893, P. L. 326, supplementing the Act of April 28, 1887, P. L. 63.

**81. REQUISITIONS OF INMATES OF INDUSTRIAL REFORMATORY AT HUNTINGDON, VIOLATING PAROLE.** Whenever any inmate of the said Industrial Reformatory shall violate his parole and go into any other state, it shall be the duty of the Governor of the Commonwealth to issue his requisition for the return of such paroled inmate as being a fugitive from justice.

Sec. 3, Act of June 6, 1893, P. L. 326, supplementing the Act of April 28, 1887, P. L. 63.

**82. VIOLATION OF PAROLE BY INMATES OF INDUSTRIAL REFORMATORY AT HUNTINGDON. TIME ON PAROLE TO BE ADDED TO MAXIMUM SENTENCE.** Whenever any paroled inmate of the said Industrial Reformatory shall violate his parole and be returned to the institution, the time when he was on parole may, in the discretion of the Board of Managers, be added to the maximum sentence which he could be required to serve, and in their discretion, the said paroled inmate may be compelled to serve, in addition to the maximum sentence, a period of time equal to the time that he was on parole.

Sec. 4, Act of June 6, 1893, P. L. 326, supplementing the Act of April 28, 1887, P. L. 63.

**83. ESCAPE OF INMATES FROM THE INDUSTRIAL REFORMATORY AT HUNTINGDON, PENALTY.** If any inmate should escape from the said Industrial Reformatory, or from a keeper or any officer having him in charge, or from his place of work while engaged in working outside of the walls, the inmate so escaping shall be deemed and taken to have committed an escape or breach of prison, and shall be subject to like penalties as are now provided by law for an escape or breach of prison, and may be punished accordingly; or the board of managers may, in their discretion, add to his maximum sentence, upon his return to the reformatory, the time which said escaped inmate may be at large, and in their discretion such escaped inmates may be required to serve, in addition to his maximum sentence, a further period of time equal to the time that he was at large.

Sec. 1, Act of April 28, 1899, P. L. 73, amending Sec. 5, Act of June 6, 1893, P. L. 326, which was a supplement of the Act of April 28, 1887, P. L. 63.

The title to the above act is evidently incomplete, as it does not properly cite the Act of June 6, 1893, which<sup>1</sup> was the supplementing act intended to be amended.

**84. PENALTY FOR DELIVERING AND ATTEMPTING TO DELIVER TO, OR RECEIVING FROM INMATES OF REFORMATORY CERTAIN ARTICLES.** If any person delivers or procures to be delivered, or has in their possession with intent to be delivered to a convict of the Pennsylvania Industrial Reformatory, or deposits or conceals in or about the Reformatory or dependencies thereon, or upon any land belonging or appertaining thereto, or in any engine, car, wagon or other vehicle going into the premises belonging to the said Reformatory, any letter, article or thing, with the intent that a convict confined in the said Reformatory shall obtain or receive the same, or if any person receives from any convict of said Reformatory any letter, article or thing with intent to convey the same out of the Reformatory contrary to the rules and regulations thereof, and without the knowledge and permission of the General Superintendent of said Reformatory, or if any person shall purchase, exchange, take or receive from any convict thereof while he may be working outside the walls of said Reformatory, any letter, article or thing, whether State or other property manufactured or used in and about said reformatory, such person shall be guilty of a misdemeanor, and on conviction thereof be sentenced to pay a fine not exceeding one hundred dollars, or undergo an imprisonment not exceeding three months, or both, or either, at the discretion of the court.

Sec. 1, Act of June 24, 1895, P. L. 265, No. 177.

**85. DISCHARGE OF INMATES BY COURTS.** When, in the opinion of the superintendent, and after due investigation, and obtaining the opinion of the physician and moral instructor, any person confined in the reformatory has given such evidence, as is deemed reliable and trustworthy, that such person has been so improved by his treatment in said reformatory as to justify his liberation, a certificate of the fact and the opinions of the superintendent, doctor and moral instructor, under their hands and seals, shall be submitted to the board of managers; when, after due notice to all the managers at the next meeting thereafter, said board shall consider the case of the person so presented; and when the said board shall determine that such person is entitled to his discharge, said board shall cause a record of the case of such person to be made, showing the date of his commitment to the Reformatory, the time he has been detained, the cause thereof, a copy of his sentence, the copy of the certificate

as aforesaid of the officers and the action thereon of the board, said record to be signed by the managers and sent to the judge of the court that sentenced said persons to the reformatory, who shall, after consulting the district attorney and no further reason for detention existing, send, under the seal of the court, to the said board, an order to discharge the said person from said reformatory.

Sec. 14, Act of April 28, 1887, P. L. 63, No. 30.

**86. ACCOUNT OF COST OF MAINTENANCE OF INMATES TO BE KEPT. COUNTY FROM WHICH INMATE COMMITTED LIABLE FOR SUCH COST.** The managers shall cause to be kept, by the clerk, an account of the cost of the support and maintenance of each convict with the county from which he is sent to the Reformatory, which said account shall annually be approved by the said managers, and, if the same be true and correct, shall be sworn to by at least three of said managers, and sent to the commissioners of the proper county, first deducting from the said cost the amount received from the labor of the said convict, if any, and for the balance the said managers shall, sixty days thereafter, draw their draft on the proper officers of the counties, respectively, for the amount so found to be due, which draft it shall be the duty of the said county officers to pay,.

Sec. 17, Act of April 28, 1887, P. L. 63.

(2) Pennsylvania Training School at Morgantown.

This institution, originally the House of Refuge of Western Pennsylvania, was styled, by the Act of March 20, 1872, P. L. 27, The Pennsylvania Reform School. By order of the court of common pleas of Allegheny County, (No. 377 First Term 1912) the name of the institution was changed to The Pennsylvania Training School.

**87. WHO MAY BE RECEIVED BY COMMITMENT. EMPLOYMENT OF INMATES. VOCATIONAL TRAINING.** It shall be lawful for the board of managers of said house of refuge, at their discretion, to receive into their care and guardianship infants, males under the age of twenty-one years, and females under the age of twenty-one years, committed to their custody in either of the following modes, to wit:

First. Infants committed by an alderman or justice of the peace on the complaint, and due proof made thereof by the parent, guardian or next friend of such infant, that by reason of incorrigible or vicious conduct, such infant has rendered his or her control beyond the power of such parent, guardian or next friend, and made it manifestly requisite, that from regard to the morals and future welfare of such infant, he or she should be placed under the guardianship of the managers of the said house of refuge.

Second. Infants committed by the authority aforesaid, where complaint and due proof have been made that such infant is a proper subject for the guardianship of the managers of the said house of refuge, in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity or otherwise of the parent, or guardian or next friend, in whose custody such infant may be, such parent, guardian or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant.

Third. Infants who shall be taken or committed as vagrants or upon any criminal charge, or duly convicted of criminal offenses as may in the judgment of the court of oyer and terminer, or of the court of quarter sessions of the peace of any county within the western district; and the said managers shall have power to place the said children committed to their care, during their minority, at such employment, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities; and they shall have power at their discretion to bind out the said children, with their consent, as apprentices during their minority to such persons and at such places, to learn such proper trades and employments as in their judgment will be most conducive to the reformation and amendment, and will tend to the future benefit and advantage of such children.

Sec. 15, Act of April 22, 1850, P. L. 538.

No child under the age of sixteen may now be committed by magistrates and justices of the peace to any institution, see section 1, Act of March 26, 1903, P. L. 66, *supra* section 34.

88. ALDERMEN AND JUSTICES OF THE PEACE COMMITTING VAGRANTS TO ANNEX LIST OF WITNESSES. It shall be the duty of any alderman or justice aforesaid, committing a vagrant, or incorrigible or vicious infant as aforesaid, in addition to the adjudication required by the sixth section of this act, to annex to his commitment the names and residences of the different witnesses examined before him, and the substance of the testimony given by them respectively, on which the said adjudication was found.

Sec. 16, Act of April 22, 1850, P. L. 538.

See note to section immediately preceding.

89. INFANTS CONVICTED IN DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES MAY BE COMMITTED. The managers of the House of Refuge for Western Pennsylvania shall have power to admit, into said House of Refuge, infants convicted of any criminal offence in any district or circuit court of the United States, in and for the Western district of Pennsylvania, in like manner as they are now authorized to admit infants convicted in the

courts of oyer and terminer and quarter sessions: Provided, That no such infant shall be so admitted, unless residing within the Western district of the Supreme Court of Pennsylvania.

Sec. 1, Act of April 11, 1862, P. L. 425, No. 423, supplementing the Act of April 22, 1850, P. L. 538.

**90. CHILDREN COMMITTED TO BE CLOTHED, MAINTAINED AND INSTRUCTED AT COUNTY EXPENSE. ACCOUNTS HOW KEPT.** The children received by said managers under the conviction of any court within the said western district, shall be clothed, maintained and instructed by the said managers at the public expense of the proper county from which they came; and the accounts of said children shall be kept by the said managers in the same manner that the accounts of convicts in the penitentiaries are now directed to be kept by the inspectors thereof.

Sec. 19, Act of April 22, 1850, P. L. 538.

**91. ALL CHILDREN COMMITTED TO BE PROPERLY CLOTHED, MAINTAINED AND INSTRUCTED. COMMITMENTS BY MAYORS, ALDERMEN AND JUSTICES OF THE PEACE.** The act of assembly, approved the twenty-second day of April, one thousand eight hundred and fifty (P. L. 538), entitled "An act to secure the cities of Pittsburgh and Allegheny, and the neighborhood thereof, by damage from gun-powder; to incorporate an association for the establishment of a house of refuge for Western Pennsylvania; and relative to the Pennsylvania State lunatic asylum," is hereby so amended in its nineteenth section, as to include in the enactment and provision therein made, also such children received by the managers of the said house of refuge as may be convicted, or committed thereto agreeably to the provisions of the charter thereof, by any mayor, alderman or justice of the peace within the said Western district; and further, that the mayor of any city within the said Western district shall have like authority with that given to aldermen and justices of the peace to commit to the custody of the managers of the said house of refuge, and that any commitment heretofore made by any mayor of any such city, is hereby legalized and made good.

Sec. 1, Act of April 16, 1857, P. L. 219, No. 261, extending the Act of April 22, 1850, P. L. 538.

For the nineteenth section herein referred to see the section immediately preceding.

No child under the age of sixteen may now be committed by magistrates and justices of the peace to any institutions, see section 1, Act of March 26, 1903, P. L. 66, supra section 34.

**92. ALL CHILDREN COMMITTED TO BE PROPERLY CLOTHED, MAINTAINED AND INSTRUCTED.** The nineteenth section of the act to which this is a further supplement, shall extend and apply to all children received into the house of refuge of western Pennsylvania.

Sec. 1, Act of January 31, 1855, P. L. 6, No. 9, supplementing the Act of April 22, 1850, P. L. 538.

The nineteenth section herein referred to is the nineteenth section of the Act of April 22, 1850, P. L. 538, supra section 90. See also section 1, of the Act of April 16, 1857, P. L. 219, supra section 91, amending said nineteenth section by extending the same to certain cases.

**93. POWER OF BOARD OVER FEMALES.** It shall be lawful for the board of managers of said institution, at their discretion, to retain or bind out female infants committed to their care (who may be sixteen years of age at the time they are committed), until they shall reach the age of twenty-one years.

Sec. 2, Act of January 31, 1855, P. L. 6, No. 9, supplementing Act of April 22, 1850, P. L. 538.

**94. INDENTURING OF CHILDREN COMMITTED.** The boards of managers of the houses of refuge for the reformation of juvenile delinquents, in (Philadelphia and) Allegheny counties, are hereby respectively authorized, whenever they deem it for the interest of any white inmate duly committed to their custody, to bind or indenture such white inmate to service during his or her minority, although the party to whom the indenture may be made may be a citizen of one of the United States other than this Commonwealth: Provided, That no such indenture to service out of this Commonwealth shall be made without the consent first given of said white inmate.

Sec. 1, Act of May 12, 1857, P. L. 454, No. 509.

**95. SPIRITUAL MINISTRATIONS TO INMATES.** From and after the passage of this act, all persons committed to the Western house of refuge shall be allowed, in all cases of sickness, spiritual advice and spiritual ministration from any recognized clergymen of the denomination to which said inmate may belong; such advice and ministration to be obtained within sight of the person or persons having such inmates in charge; but if the person or persons seeking such, desire religious consolation out of hearing of any officer of said institution, then, in that instance, they shall not be debarred by any rule of said house of refuge.

Sec. 1, Act of April 8, 1862, P. L. 318, No. 333, Supplementing the Act of April 22, 1850, P. L. 538.



**96. COUNTY CHARGEABLE WITH EXPENSES OF MAINTENANCE OF CHILDREN COMMITTED.** The county chargeable with the expense of any child committed to the House of Refuge for Western Pennsylvania shall be the county in which the parents of said child reside, or if there be no parents living or resident within this Commonwealth, then said expense shall be charged to the county wherein the person committed may have last resided for a period not less than ninety consecutive days: Provided however, That where infants have been inmates of eleemosynary institutions prior to commitment to the house of refuge, the residence of such infants or of their parents prior to their having become inmates of said institutions shall be regarded as their domicile for the purposes of this act.

Sec. 1, Act of April 11, 1868, P. L. 847, No. 786.

(3) State Industrial Home for Women at Muncy Station.

**97. BOARD OF MANAGERS TO MAKE RULES AND REGULATIONS.** The Board of Managers shall have power to make all necessary rules and regulations, not contrary to the Constitution and laws of this Commonwealth, for the care, detention, employment, discipline, instruction, and temporary or permanent release, of any and all persons committed to the Industrial Home.

Sec. 10, Act of July 25, 1913, P. L. 1311.

**98. AIM OF INSTITUTION. PROVISION FOR EDUCATION AND VOCATIONAL TRAINING.** As the aim of the Industrial Home is to prevent young offenders against the laws of this Commonwealth from becoming hardened criminals, and to subject them while in the Industrial Home to such remedial preventive treatment, training and instruction, as will conduce to their mental and moral improvement, the board of managers, in adopting rules and regulations for the government of the institution is authorized to provide for a system of discipline for the inmates as will secure to each person instruction in the rudiments of an English education, and in such manual and skilled vocations as may be useful to such female after her discharge from the Industrial Home, and whereby she may be able to obtain self-supporting employment.

Sec. 28, Act of July 25, 1913, P. L. 1311.

**99. CONTRACT FORM OF LABOR NOT TO EXIST.** The contract system of labor shall not exist in any form in the Industrial Home, but the inmates shall be employed solely by the Commonwealth.

Sec. 11, Act of July 25, 1913, P. L. 1311.

**100. RECORD OF INMATES.** A record shall be kept of each prisoner at the Industrial Home, setting forth her name, age, nativity, nationality, date of admission, the offense for which she was committed, and such facts concerning the life and the social influences and temptations which surrounded her as can be obtained from herself and from other sources, either at the time of her admission or later; likewise any further facts which may be directed by the Board of Public Charities. Detailed information on the subject shall be forwarded to the Board of Public Charities upon forms to be furnished by said board whenever it shall so request.

Sec. 12, Act of July 25, 1913, P. L. 1311.

**101. SYSTEM OF MARKS AND CREDITS TO BE ESTABLISHED. INMATES TO CONVERSE PRIVATELY WITH MEMBER OF BOARD.** The Board of Managers may fix upon a uniform plan, under a system of marks or otherwise, whereby it shall be determined what number of favorable marks or credit may be earned by each prisoner as a condition of increased privilege, or of release from confinement. She shall be credited for good personal demeanor, and diligence in labor and study, and shall be charged for derelictions, negligence and offences. The account of her favorable marks or credit, and of the charges against the same, shall be made known to her as often as once a month; and provision shall be made by which any inmate may see and converse in private with at least one of the managers during every month if she so desires..

Sec. 13, Act of July 25, 1913, P. L. 1311.

**102. TRANSFER OF INMATES OF JAILS AND PENITENTIARIES TO INDUSTRIAL HOME.** Whenever there is unoccupied room in the Industrial Home the board of managers may make requisitions upon the authorities of any penitentiary or prison, who shall select such number as is required by such requisition from among the youthful, well-behaved and most promising women convicts in the State and county prisons of the class described in section fifteen of this act, and transfer them to the Industrial Home for education and treatment under the rules and regulations thereof, and the board of managers are hereby authorized to receive, and detain during the term of their sentence to the State prison, such prisoners so transferred, and the laws applicable to convicts in the State prison, so far as they relate to the commutation of imprisonment for good conduct and the provisions of this act, shall be applicable to said convicts when transferred under this section.

Sec. 14, Act of July 25, 1913, P. L. 1311.

**103. SENTENCE TO INDUSTRIAL HOME. DURATION OF IMPRISONMENT.** Any court of record in this Commonwealth,

exercising criminal jurisdiction, may, in its discretion, sentence to the said Industrial Home any female between sixteen and thirty years of age, upon conviction for, or upon pleading guilty of, the commission of any criminal offense punishable under the laws of this State. Said sentence shall be merely a general one to the State Industrial Home for Women, and shall not fix or limit the duration thereof. The duration of such imprisonment, including the time spent on parole, shall not exceed three years, except where the maximum term specified by law for the crime for which the prisoner was sentenced shall exceed that period, in which event said maximum term shall be the limit of detention under the provisions of this act.

Sec. 15, Act of July 25, 1913, P. L. 1311.

104. SENTENCE NOT VOID IF FOR DEFINITE PERIOD. ACT TO APPLY. MANAGERS TO DELIVER COPY OF ACT TO OFFENDER. If, through oversight, or otherwise, any person be sentenced to imprisonment in the said Industrial Home for a definite period of time, said sentence shall not for that reason be void; but the person so sentenced shall be entitled to the benefit, and subject to the liabilities of this act, in the same manner and to the same extent as if the sentence had been in the terms required by this act. In such case said managers shall deliver to such offender a copy of this act.

Sec. 16, Act of July 25, 1913, P. L. 1311.

105. TRANSFER OF INMATES TO PENITENTIARIES. RETURN TO INDUSTRIAL HOME. The board of managers of the Industrial Home may transfer temporarily to either State penitentiary any female committed to the Industrial Home who may be incorrigible, or whose presence in the Industrial House may be seriously detrimental to the well-being of the institution. The managers may subsequently, by written requisition, require the return to the Industrial Home of any female who may have been so transferred.

Sec. 17, Act of July 25, 1913, P. L. 1311.

106. CLERKS OF COURT TO NOTIFY SUPERINTENDENT OF SENTENCES TO INDUSTRIAL HOME. FEMALE AGENT TO TRANSPORT PERSON SENTENCED. The clerk of any court by which a criminal shall be sentenced to the said Industrial Home shall forthwith notify the superintendent thereof of such sentence, who shall thereupon send an agent, who shall be a woman, to receive the prisoner at the county jail and transport her to the Industrial Home, and it shall be the duty of the sheriff to deliver her to said agent. The clerk shall furnish to said agent a record of the case, for which he shall receive such fees from the county as are now allowed by law for similar services.

Sec. 18, Act of July 25, 1913, P. L. 1311.

**107. DISCHARGE OF INMATES. PAROLE.** When, in the opinion of the superintendent after due investigation and consultation with the physician, any prisoner has given what is deemed trustworthy evidence that she has been so improved by treatment in the Industrial Home as to justify her liberation, a certificate of that fact, and written recommendations in the case by the superintendent and physician, duly signed by them, shall be submitted to the board of managers. At its next meeting the case of the person so presented shall be considered; and, if it shall be determined that she is a fit person for a permanent discharge, a statement shall be made, showing the date of her commitment, the cause thereof, the time she has been detained, and a copy of the aforesaid recommendations with the action thereon. Said statement shall be signed by the board's president or secretary and sent to the judge of the court that sentenced said inmate to the Industrial Home, who shall thereupon confer with the district attorney, and, if he ascertains that no reason for further detention exists, he shall send to the board an order, under the seal of the court, directing the permanent discharge of said person from the Industrial Home. If the judge knows of any reason for her further detention he shall at once communicate such reason to the board. Upon receipt of the aforesaid order of discharge the prisoner shall be granted a permanent release from custody. The board shall have power to grant temporary discharge or parole for a period of not more than ninety days, and to continue the same by renewal or renewals.

Sec. 19, Act of July 25, 1913, P. L. 1311.

**108. INMATES VIOLATING PAROLE TO BE LIABLE TO ARREST AND RETURN WARRANT FOR ARREST.** Whenever an inmate of the State Industrial Home for Women shall be paroled, and during her parole shall in any manner violate the same, she may be declared delinquent by the board of managers; and thereupon be liable to arrest and return at any time. In such case, or if any prisoner of the institution shall escape therefrom, it shall be lawful for the president of the board of managers, or the superintendent, to issue a warrant to any detective or person authorized by law to execute criminal process, whose duty it shall be to arrest and return such paroled or escaped person to the Industrial Home, and cost of executing the said warrant and returning the prisoner to be paid by the board of managers.

Sec. 27, Act of July 25, 1913, P. L. 1311.

**109. VIOLATION OF PAROLE. TIME SPENT ON PAROLE MAY BE ADDED TO MAXIMUM TERM OF SENTENCE.** Whenever any paroled inmate of the said Industrial Home shall violate her parole, and be returned to the institution, the time when she was on parole and the unexpired term of her possible maximum sentence

may be added together and, in the discretion of the board of managers, she may be required to serve such full time or any part thereof.

Sec. 20, Act of July 25, 1913, P. L. 1311.

110. INMATES ESCAPING TO BE GUILTY OF AN ESCAPE OR BREACH OF PRISON. If any inmate shall escape from the said Industrial Home, or from a keeper or any officer having her in charge, or from her place of work while engaged in working outside of the walls, the inmate so escaping shall be deemed and taken to have committed an escape or breach of prison, and shall be subject to such penalties as are now provided by law for an escape or breach of prison, and may be punished accordingly.

Sec. 21, Act of July 25, 1913, P. L. 1311.

111. COSTS AND EXPENSES WHEN INMATE OF HOME IS TRIED FOR AN OFFENSE TO BE PAID BY COUNTY ORIGINALLY COMMITTING. Whenever any inmate of the Industrial Home, not having been sentenced thereto by the court of the county wherein such Industrial Home shall be established, shall be convicted in such county of any misdemeanor or felony committed while an inmate of the said Industrial Home, the costs and expenses of trying such convicted inmate, and of her maintenance after conviction and sentence, either to the county prison of such county, or to either of the penitentiaries of the Commonwealth, or to the Industrial Home, shall be paid by the county from which the said convicted inmate was sentenced.

Sec. 22, Act of July 25, 1913, P. L. 1311.

112. COSTS AND EXPENSES TO BE PAID IN FIRST INSTANCE BY COUNTY IN WHICH HOME IS ESTABLISHED. COMMISSIONERS TO DRAW WARRANT ON TREASURER OF COUNTY ORIGINALLY COMMITTING INMATES. The costs and expenses of the trial of such convicted inmate shall, in the first instance, be paid by the county wherein such Industrial Home shall be established, whose commissioners are thereupon authorized to draw their warrant upon the treasurer of the county, from which said convicted inmate was sentenced to the said Industrial Home, for the amount so paid by the said county wherein such Industrial Home shall be established, for said costs and expenses, which warrant it shall be the duty of the treasurer upon whom it may be drawn to pay forthwith.

Sec. 23, Act of July 25, 1913, P. L. 1311.

113. WHEN INMATE SENTENCED TO JAIL OR PENITENTIARY, COST OF MAINTENANCE TO BE PAID BY COUNTY ORIGINALLY COMMITTING SUCH INMATE TO HOME. When-

ever any convicted inmate shall be sentenced either to the county prison of the county wherein such Industrial Home shall be established, or to either of the penitentiaries of the Commonwealth, it shall be lawful for the authorities of the proper penal institution to draw annually a warrant upon the treasurer of the county from which said inmate was originally sentenced for the costs and expenses of her maintenance, and the treasurer upon whom such warrant may be drawn shall forthwith pay the same.

Sec. 24, Act of July 25, 1913, P. L. 1311.

**114. ACCOUNT OF COST OF MAINTENANCE TO BE KEPT WITH COUNTY COMMITTING INMATE. BALANCE OF SUCH ACCOUNT TO BE PAID BY COUNTY.** The board of managers shall cause to be kept an account of the expense of the support and maintenance of each person committed to the Industrial Home with the county from which she was sent, and bills for the same shall be forwarded periodically to the commissioners of the proper county, deducting first from said bills any amount which has been received from the labor of the prisoner referred to; and it shall be the duty of the county officers to pay the balance due on said account within thirty days from the receipt of this statement.

Sec. 25, Act of July 25, 1913, P. L. 1311.

**(B) Semi-State Institutions.**

**(1) Glen Mills Schools.**

The change of name of this institution from the House of Refuge, adopted at the original organization in 1826, to Glen Mills Schools was made by order of the Court of Common Pleas, No. 4, (of Philadelphia,) on the petition of the managers. This change was made at the suggestion of many of the judges throughout the State, after due consideration by the board and the contributors.

**115. WHO MAY BE COMMITTED TO HOUSE OF REFUGE OF PHILADELPHIA. BINDING OUT AND APPRENTICING OF INMATES.** The said managers shall at their discretion receive into the said house of refuge, such children who shall be taken up or committed as vagrants, or upon any criminal charge, or duly convicted of criminal offences, as may be in the judgment of the court of oyer and terminer, or of the court of quarter sessions of the peace, of the county, or of the mayors courts of the city of Philadelphia, or of any alderman or justice of the peace, or of the managers of the alms-house and house of employment, be deemed proper objects; and the said managers of the house of refuge shall have power to place the said children committed to their care, during the minority of the said children, at such employments, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities; and they shall have power, in their discretion, to

bind out the said children, with their consent, as apprentices, during their minority, to such persons, and at such places, to learn such proper trades and employments, as in their judgment will be most conducive to the reformation and amendment, and will tend to the future benefit and advantage of such children: Provided, That the charge and power of the said managers upon and over the said children, shall not extend in the case of females, beyond the age of eighteen years.

Sec. 6, Act of March 23, 1826, P. L. 133.

This act was held to be constitutional in *ex parte Crouse*, 4 Wharton 9, and not depriving the children committed of their right of trial by jury. "The house of refuge is not a prison, but a school, where reformation, and not punishment, is the end."

The proviso in this section seems to be repealed by section 7 of the Act of April 11, 1850, P. L. 448, immediately following this section.

Children under the age of sixteen may no longer be committed by magistrates and justices of the peace, see section 1, Act of March 26, 1903, P. L. 66, supra section 34.

**116. POWER AND CHARGE OF MANAGERS OVER FEMALES.** The power and charge of the managers of the House of Refuge over the inmates of that institution, shall extend in the case of females, who on their admission may be sixteen years of age, to the age of twenty-one years; and that so much of any law or laws of this Commonwealth as conflicts with the provisions of this section, be and the same is hereby repealed.

Sec. 7, Act of April 11, 1850, P. L. 448.

It would seem that the repealing clause herein repeals the proviso in Section 6, Act of March 23, 1826, P. L. 133, immediately preceding, and part of Section 4, Act of March 2, 1827, P. L. 76, *infra* section 119.

**117. WHO MAY BE COMMITTED.** In lieu of the manner prescribed by the sixth section of the Act to which this is a supplement, it shall be lawful for the managers of the House of Refuge, at their discretion, to receive into their care and guardianship, infants, males under the age of twenty-one years, and females under the age of eighteen years, committed to their custody in either of the following modes, viz: First. Infants committed by an alderman or justice of the peace, on the complaint and due proof made to him by the parent, guardian or next friend of such infant, that by reason of incorrigible or vicious conduct, such infant has rendered his or her control beyond the power of such parent, guardian or next friend, and made it manifestly requisite, that from regard for the morals and future welfare of such infant, he or she should be placed under the guardianship of the managers of the House of Refuge. Second: Infants committed by the authority aforesaid, where complaint and

due proof have been made, that such infant is a proper subject for the guardianship of the managers of the House of Refuge, in consequence of vagrancy, or of incorrigible or vicious conduct, and that from the moral depravity or otherwise of the parent or next friend, in whose custody such infant may be, such parent or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant. Third: Infants committed by the courts of this Commonwealth in the mode provided by the act to which this is a supplement.

Sec. 1, Act of April 10, 1835, P. L. 133, supplementing the Act of March 23, 1826, P. L. 133.

This act was held to be constitutional in *ex parte Crouse*, 4 Wharton 9, and not depriving the children committed of their right of trial by jury. "The House of Refuge is not a prison, but a school, where reformation, and not punishment, is the end."

Children under the age of sixteen may no longer be committed by magistrates and justices of the peace, see section 1, Act of March 26, 1903, P. L. 66, *supra* section 34.

**118. ALDERMEN AND JUSTICES OF THE PEACE COMMITTING DELINQUENTS TO ANNEX NAMES OF WITNESSES.** It shall be the duty of any alderman or justice aforesaid, committing a vagrant or incorrigible or vicious infant as aforesaid, in addition to the adjudication required by the first section of this act, to annex to his commitment the names and residence of the different witnesses examined before him, and the substance of the testimony given by them respectfully, on which the said adjudication was founded.

Sec. 2, Act of April 10, 1835, P. L. 133, supplementing the Act of March 23, 1826, P. L. 133.

See notes to the section immediately preceding.

**119. COMMITMENTS BY QUARTER SESSIONS AND OYER AND TERMINER OTHER THAN THE COUNTY OF PHILADELPHIA. MAINTENANCE AND INSTRUCTION OF SUCH CHILDREN. APPRENTICING OF CHILDREN. CONTROL OF INMATES BY MANAGERS OF INSTITUTION.** The managers of the house of refuge, shall receive into the same, such children who shall be convicted in the court of oyer and terminer or quarter sessions of any county except the county of Philadelphia, or mayors court of any city except the city of Philadelphia, of any offence which under the existing laws would be punished by imprisonment in the penitentiary, as may be in the judgment of the said courts deemed proper objects for the house of refuge; and the children so received, shall be clothed, maintained and instructed by the said managers, at the public expense of the proper county; and the accounts of the said children shall be kept by the managers, in the same manner that the accounts of convicts in the



penitentiary are now directed to be kept by the inspectors thereof, and the said managers of the house of refuge shall have power to place the said children committed to their care during the minority of the said children, at such employments, and cause them to be instructed in such branches of useful knowledge as may be suitable to their years and capacities; and they shall have power, in their discretion to bind out the said children with their consent, as apprentices during their minority, to such persons, and at such places, to learn such proper trades and employments as in their judgment will be most conducive to the reformation and amendment and will tend to the future benefit and advantage of such children: Provided, That the charge and power of the said managers, upon and over the said children, shall not extend in the case of females beyond the age of eighteen years: And provided, That this section shall not be construed to apply to children received into the said house of refuge, from the city and county of Philadelphia, or to repeal or affect the sixth section of an act, entitled "An act to incorporate the subscribers to the articles of association, for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of "the house of refuge" passed the twenty-third day of March, one thousand eight hundred and twenty-six.

Sec. 4, Act of March 2, 1827, P. L. 76.

It was attempted to repeal this section by the third section of the Act of January 10, 1867, P. L. 1371. This repealing clause, however, was later held to be ineffective on account of being unconstitutional. *House of Refuge v. Luzerne Co.*, 215 Pa. 429.

This section so far as it relates to the power and charge of the managers over females is repealed by section 7, Act of April 11, 1850, P. L. 448, supra section 116.

120. COMMITMENTS BY COURTS OF COMMON PLEAS OF THE EASTERN DISTRICT OTHER THAN PHILADELPHIA. In addition to the cases provided for by the fourth section of the act, entitled "An act to endow the House of Refuge, and for other purposes therein mentioned," passed the second day of March, one thousand eight hundred and twenty-seven, (P. L. 76), the managers of "The House of Refuge" shall receive under their care and guardianship, infants under the age of twenty-one years, committed to their custody by two judges, the president judge being one, of the court of common pleas of any county in the eastern district of Pennsylvania, (which said district shall embrace all the counties of the Commonwealth from which infants cannot be sent to the "House of Refuge of Western Pennsylvania,") except the county of Philadelphia, in which said infant resides or may be found, on complaint and due proof made to them by the parent, guardian, or next friend of such infant, that such infant is unmanageable and beyond the

control of the complainant and that the future welfare of said infant requires, that such infant should be placed under the care and guardianship of the said managers of the House of Refuge; or when said complaint and due proof shall be made by the prosecuting officer of the county, that said infant is unmanageable, or a vagrant, and has no parent, or guardian, capable and willing to restrain, manage, and take proper care of such infant.

Sec. 1, Act of January 26, 1854, P. L. 12, supplementing the Act of March 23, 1826, P. L. 133.

**121. HEARINGS BEFORE COURTS FOR COMMITMENT OF DELINQUENTS TO HOUSE OF REFUGE OF PHILADELPHIA. TESTIMONY TO BE TAKEN UNDER OATH OR AFFIRMATION AND TO BE SUBMITTED TO MANAGERS OF THE INSTITUTION.** The said judges shall carefully examine the complaint made to them in the presence of the complainant and infant complained of, and for the purpose of bringing the parties and witnesses before them, shall be fully authorized to use such process of the court as may be necessary; and where the said judges shall adjudge an infant to be a proper subject for the care and guardianship of the said managers of the House of Refuge, they shall, in addition to their adjudication, transmit to the said managers the testimony taken before them, on which their adjudication was founded; and the said testimony shall be taken under oath or affirmation of the witnesses, and in the presence of the party complained of.

Sec. 2, Act of January 26, 1854, P. L. 12, supplementing the Act of March 23, 1826, P. L. 133.

The "said judges" are judges of the court of common pleas of the Eastern district other than Philadelphia. See the section immediately preceding.

**122. POWER OF MANAGERS OVER COMMITTED DELINQUENTS.** The power and authority of the said managers of the House of Refuge shall be as full and ample, in all respects, over the infants committed to their care and guardianship under this act, as are given and granted to the said managers over infants committed to their care and guardianship from the county of Philadelphia, by the said act, entitled "An act to incorporate the subscribers to the articles of association for the purpose of establishing an institution for the confinement and reformation of juvenile delinquents, under the title of 'The House of Refuge.'" (Act of March 23, 1826, P. L. 133.)

Sec 3, Act of January 26, 1854, P. L. 12, supplementing the Act of March 23, 1826, P. L. 133.

**123. COMMITMENTS BY COURTS OF QUARTER SESSIONS OF THE EASTERN DISTRICT OTHER THAN PHILADELPHIA.** The managers shall, in their discretion, receive into the House of Refuge such children, as may be convicted of any misdemeanor, or criminal offence, in any court of quarter sessions of any county, other than the county of Philadelphia, in the Eastern District of this Commonwealth, as shall, in the judgment of the said court, be deemed proper subjects for the care and guardianship of the managers of the house of refuge aforesaid.

Sec. 1, Act of January 10, 1867, P. L. 1371, supplementing the Act of March 23, 1826, P. L. 135.

Section 3 of this act was held unconstitutional because there was no notice of its provisions in the title: See *House of Refuge v. Luzerne County*, 215 Pa., 429.

This section and section 2, next succeeding, do not seem to be affected by the decision.

**124. POWER AND AUTHORITY OF MANAGERS OVER CERTAIN INMATES.** The power and authority of the managers of the house of refuge aforesaid, shall be as full and ample, in all respects, over the children committed to their care and guardianship, under this act, as are given and granted to the said managers, over children committed to their care and guardianship, by the said act, entitled "An act to incorporate the subscribers to the articles of association for the purpose of establishing and conducting an institution for the confinement and reformation of juvenile delinquents, under the title of the House of Refuge. (Act of March 23, 1826, P. L. 133.)

Sec. 2, Act of January 10, 1867, P. L. 1371, supplementing the Act of March 23, 1826, P. L. 135.

See notes to the section immediately preceding.

**125. INDENTURING OF CHILDREN COMMITTED.** The boards of managers of the Houses of Refuge for the reformation of juvenile delinquents, in Philadelphia (and Allegheny) counties, are hereby respectively authorized, whenever they deem it for the interest of any white inmate duly committed to their custody, to bind or indenture such white inmate to service during his or her minority, although the party to whom the indenture may be made may be a citizen of one of the United States other than this Commonwealth: Provided, That no such indenture to service out of this Commonwealth shall be made without the consent first given of said white inmate.

Sec. 1, Act of May 12, 1857, P. L. 454.

**126. OFFICIAL VISITORS OF HOUSE OF REFUGE OF PHILADELPHIA. DUTIES OF VISITORS. INVESTIGATIONS INTO COMMITMENTS.** It shall be the duty of the president and legal

associates of the (court of) common pleas of Philadelphia county, the judges of the district court of the city and county of Philadelphia, and the recorder of the city of Philadelphia alternately, in such manner as may be arranged between them, at a joint meeting for that purpose from time to time held, to visit the House of Refuge, at least once in two weeks or oftener, if to the said judges it shall seem requisite; and it shall be the duty of the judge or recorder so visiting the House of Refuge, carefully to examine into all the commitments to the said House of Refuge, made by the aldermen, justices or guardians of the poor aforesaid, that have not previously been adjudged upon by one of the said judges or the recorder in the manner hereinafter directed, which commitments it shall be the duty of the managers of the House of Refuge, truly and correctly, to lay before such judge or recorder, and on such examination, such judge or recorder shall have produced before him by the managers aforesaid, their superintendent or agent, the infant or infants described in such commitment, and the testimony upon which he or she shall have been adjudged a fit subject for the guardianship of said managers, or on which he or she shall be claimed to be held as such, and if after examining the infant and such testimony, the said judge or recorder shall be of opinion that according to the laws of this Commonwealth regulating the control of infants, a case has been established, which in his opinion, would according to law authorize the transfer of the parental authority over such infant to the managers of the House of Refuge, then and in that case it shall be the duty of the said judge or recorder to endorse an order on the commitment of the justice or alderman or guardians of the poor, directing the infant to be continued under the guardianship of the managers of the House of Refuge, after which it shall be lawful for said managers to exercise over all such infants, the powers and authorities given them by the act to which this is a supplement. But if the said judge or recorder shall be of opinion that such case has not been made out, he shall order such infant to be forthwith discharged, which order shall be obeyed by the managers, under the pains and penalties provided by law against wrongful imprisonment: Provided, That it shall be the duty of said judge or recorder, at the request of such infant or any person in his behalf, to transfer such hearing to the court house of the court of which he is a member, in order that the infant may have the benefit of counsel, and of compulsory process to obtain witnesses, required in his or her behalf, which such judge or recorder is hereby authorized to award, as fully and amply as any judge or court could do on the hearing of a writ of habeas corpus: And provided also, That nothing in this act contained shall be construed to interfere with the provisions of an act, entitled "An act for the better securing of personal liberty and preventing

unlawful imprisonment," passed on the eighteenth day of February, one thousand seven hundred and eighty-five, (2 Sm. 275; Vol. XI, page 427,) commonly called the habeas corpus act.

Sec. 3, Act of April 10, 1835, P. L. 133, supplementing the Act of March 23, 1826, P. L. 133.

For provisions as to visitation of institutions in general, see chapter on "Visitors and Visitation," *infra* Chapter X.

**127. INSPECTORS OF COUNTY PRISON OF PHILADELPHIA MAY DELIVER COLORED CONVICTS TO COLORED HOUSE OF REFUGE OF PHILADELPHIA.** It shall and may be lawful for the inspectors of the prisons of the county of Philadelphia, under the direction of the court of quarter sessions, to transfer and deliver to the managers of the Colored House of Refuge of the city and county of Philadelphia, with their assent, any colored convicts, under the age of twenty-one committed to said prison; and when so transferred, they shall be dealt with as other minors committed and delivered to the said managers.

Sec. 6, Act of April 25, 1850, P. L. 569.

Quaere: Whether this institution is the House of Refuge of Philadelphia, now Glen Mills Schools?

**128. INDENTURING OF COLORED INMATES OF HOUSE OF REFUGE OF PHILADELPHIA.** The board of managers of the House of Refuge, for the reformation of juvenile delinquents, in Philadelphia, are hereby authorized whenever they may deem it for the interest of any colored inmate duly committed to their custody, to bind or indenture such colored inmate to service during his or her minority, although the party to whom the indenture may be made may be a citizen of one of the United States, other than this Commonwealth: Provided, That no such indenture to service out of this Commonwealth, shall be made without the consent first given of such colored inmate: Provided further, That the said board of managers are not permitted to bind such colored inmates to persons residing within slave states.

Sec. 1, Act of April 22, 1858, P. L. 452, No. 453.

See notes to section immediately preceding.

(C) County Schools and County Industrial Homes.

(1) County schools for the care, maintenance and instruction of male children committed by juvenile courts.

**129. CERTAIN COUNTIES TO ESTABLISH SCHOOLS FOR CARE, MAINTENANCE AND INSTRUCTION OF MALE CHILDREN COMMITTED BY JUVENILE COURTS.** In each county of this Commonwealth, now or hereafter containing a population of not less than three hundred thousand inhabitants, and not more than one million two hundred thousand inhabitants, as ascertained by the United States census, there shall be established a school, properly

equipped for the care, maintenance, and instruction of such male children as shall come within the provisions hereof. Such schools shall be supplementary to the school system of the Commonwealth, shall be kept open during the entire year, and shall be established on the cottage home plan.

Sec. 2, Act of May 11, 1911, P. L. 262, amending Sec. 1, Act of May 1, 1909, P. L. 302.

**130. CONSTRUCTION OF BUILDINGS. PLAYGROUNDS. WELFARE OF CHILDREN TO BE PROVIDED FOR.** The buildings for said schools shall be substantially constructed and adequately lighted and ventilated, and provided with baths, playrooms, sleeping-rooms, and kitchens; and there shall be adequate provisions for playgrounds, as well as provisions for instruction in the common branches, and for manual and moral training; to the end that said schools shall as far as possible, during the period of detention, adequately provide for the mental, moral, and physical welfare and advancement of the children therein detained.

Sec. 2, Act of May 1, 1909, P. L. 302.

**131. SCHOOLS TO BE ESTABLISHED UPON FARMS. CONDEMNATION OF LAND.** The schools herein provided for shall be established upon farms, within or without the limits of the said counties; and for said purpose such counties may acquire land by purchase or condemnation, with the same power and under the same procedure as land is now acquired within the limits of school districts for school purposes, under the acts of Assembly in such case made and provided; the board of managers of said school exercising the authority exercised by school directors for said purposes, but no county shall exercise the power of condemnation except within the territorial limits of such county.

Sec. 3, Act of May 1, 1909, P. L. 302.

**132. SUPERINTENDENT TO PRESIDE OVER INSTITUTION. PAROLE OF INMATES. APPREHENSION AND RETURN.** Such schools shall be presided over by a superintendent, who shall be a person trained in educational and social work, and shall have a power of detention over the children committed thereto. When any boy committed to said schools shall have attained a condition of mental and moral advancement satisfactory to the superintendent and board of managers, they shall so certify to the juvenile court which has committed him to said school; whereupon the said court may order his release upon parole, under conditions which shall be prescribed by said board of managers, subject to the approval and direction of the court; and in case the conduct of such boy released upon parole shall be such as to satisfy the board of managers that a further period of training is necessary said board shall have the power, through its

agent or agents, at any time during his minority, to apprehend and return him to said school, where he shall remain subject to the same control as when originally committed, and in such case it shall be the duty of the superintendent, immediately, to notify the said court thereof.

Sec. 1, Act of May 20, 1913, P. L. 263, amending Sec. 4, Act of May 1, 1909, P. L. 302.

**133. APPOINTMENT OF BOARD OF MANAGERS. TERMS. REPORTS. VACANCIES. REMOVAL. TO RECEIVE NO COMPENSATION BUT EXPENSES.** Such school shall be established and managed by a board of managers. The judges of the court or courts of common pleas of such county shall appoint nine of said managers, who, with the county commissioners of such county, shall constitute said board. Under the first appointment, three of said managers shall be appointed to serve for one year, three for two years, and three for three years, and thereafter three shall be appointed annually, to serve for a term of three years. The time of the commencement of the terms of said managers shall be fixed by said judges, but shall not be later than July first, following the date of approval hereof. The board of managers shall as often as required, at least once every six months, report to the said judges, in the form by them prescribed. Said judges shall also have power to fill any vacancies in said board of managers, for unexpired terms, as well as the power, in their discretion, to remove any of said managers appointed by them, at any time, and to fill the vacancies thereby created. Said managers shall receive no compensation, but the necessary expenses incurred in the performance of their duties shall be paid.

Sec. 3, Act of May 11, 1911, P. L. 262, amending Sec. 5, Act of May 1, 1909, P. L. 302.

**134. WHO TO BE COMMITTED TO SUCH SCHOOLS.** Said school shall receive boys upon the commitment of the juvenile court of such county; and such school may, upon a proper compensation being arranged for, receive boys committed thereto by the juvenile courts of counties other than that by which said school is maintained.

Sec. 6, Act of May 1, 1909, P. L. 302.

In view of the provisions of section 10 of the Act of April 23, 1903, P. L. 274, supra section 39, which provides as follows: "It shall not be lawful to commit the custody of any neglected or dependent child \* \* \* \* to any institution of correction or reformation in which delinquent children are received. Nor shall any delinquent child be committed to any institution in which dependent or neglected children are received," male delinquent children only, should be committed to such school.

**135. COUNTIES TO PAY FOR ESTABLISHMENT AND MAINTENANCE OF SCHOOLS. ANNUAL ESTIMATES AND APPROPRIATIONS. BOND ISSUES. IN CASE OF DISPUTES**

**COURTS TO CERTIFY AMOUNT OF APPROPRIATIONS REQUIRED.** The counties hereby required to establish and maintain schools, as aforesaid, shall pay for the establishment and maintenance thereof out of the general county funds. On or before the fifteenth day of January of each year, the said board of managers shall make up an estimate of the amount of money required during the ensuing calendar year for the acquiring of lands, making of improvements, equipment and maintenance of such school, during the ensuing calendar year; which estimate shall be certified to the county commissioners, in order that they may make provision for the maintenance of said school in the annual tax levy; and for the establishment, extension, improvement, or equipment thereof, either in the annual tax levy or by issue of bonds, as the county commissioners shall deem wise. Should the said board and the said commissioners differ in their judgment as to any amount of money required, as aforesaid, the matter shall be submitted to a court of common pleas of said county, which court, after investigation, shall certify the amount required, and its decision shall be final.

Sec. 1, Act of March 15, 1911, P. L. 18, amending Sec. 7, Act of May 1, 1909, P. L. 302.

**136. APPROPRIATIONS TO SCHOOL. AUDIT.** The county commissioners of any county in this Commonwealth having a population of not less than seven hundred fifty thousand, nor more than twelve hundred thousand, inhabitants, are hereby authorized and empowered, from time to time, upon the written request of the board of managers of any of the juvenile school or farm contained therein, as established by the act of Assembly approved the first day of May, one thousand nine hundred and nine, (P. L. 302,) entitled "An act requiring counties now or hereafter containing a population of not less than seven hundred and fifty thousand, and not more than one million two hundred thousand inhabitants, to establish and maintain schools for the care and education of male children under the jurisdiction of the juvenile courts, and conferring the powers and regulating the proceedings for the establishment, maintenance, and management thereof," and the various supplements thereto, to turn over to said board of managers, for the maintenance, equipment and construction of said juvenile school or farm, from the amounts appropriated thereto during each fiscal year, from time to time, sums of money, not less than ten thousand dollars (\$10,000) each time, by warrant drawn on the county treasurer, to be first countersigned by the county controller, in such form as may be now used for the disbursement of funds for general county purposes; and all of such moneys, expended on account of said school by said board of managers, shall be accounted for to, and be subject to audit



by, the county controller in each of said counties, in manner now provided by law.

Sec. 1, Act of May 20, 1913, P. L. 262.

**137. TEACHERS. SALARIES OF TEACHERS.** Said board of managers shall determine the number of teachers and other persons necessary for the proper conduct of the said school, and shall fix the salaries to be paid to them as well as to the superintendent aforesaid.

Sec. 8, Act of May 1, 1909, P. L. 302.

**138. OFFICERS OF BOARD OF MANAGERS. EXPENSES OF SCHOOL HOW PAID. ALLOWANCE TO INMATES.** Said board of managers shall annually elect, from their own number, a president and a secretary. The said president and secretary, upon direction of the board, shall issue certificates for all moneys to be paid for the purposes of the said school, which certificates shall be exchangeable at the office of the county commissioners for such form of warrants or orders as may be in use for the disbursements of funds for general county purposes; and all moneys expended on account of said schools shall be paid and accounted for in the same manner as moneys expended for general county purposes. Any moneys realized from the sale of any products of said schools, or the farms connected therewith, shall be paid into the county treasury, and become a part of the general county fund; but the said board of managers, in its discretion, may provide for allowing a portion of the earnings of said school to be paid to the boys producing the same.

Sec. 9, Act of May 1, 1909, P. L. 302.

(2) County Schools for the Care, Maintenance and Instruction of Female Children Committed by Juvenile Courts.

**139. CERTAIN COUNTIES TO ESTABLISH SCHOOLS FOR CARE, MAINTENANCE AND INSTRUCTION OF FEMALE CHILDREN COMMITTED BY JUVENILE COURTS.** In each county of this Commonwealth now or hereafter containing a population of not less than seven hundred and fifty thousand, and not more than one million two hundred thousand, inhabitants, as ascertained by the United States census, there shall be established a school properly equipped for the care, maintenance, and instruction of such female children as shall come within the provisions hereof. Such schools shall be supplementary to the school system of the Commonwealth, shall be kept open during the entire year, and shall be established on the cottage home plan.

Sec. 1, Act of May 5, 1915, P. L. 244.

**140. CONSTRUCTION OF BUILDINGS. PLAYGROUNDS. WELFARE OF CHILDREN TO BE PROVIDED FOR.** The buildings for said schools shall be substantially constructed, and adequately lighted and ventilated, and provided with baths, playrooms, sleeping rooms, and kitchens; and there shall be adequate provisions for playgrounds, as well as provisions for instruction in the common branches, and for manual, domestic, and moral training; to the end that said schools shall, as far as possible, during the period of detention, adequately provide for the mental, moral, and physical welfare and advancement of the children therein detained.

Sec. 2, Act of May 5, 1915, P. L. 244.

**141. SCHOOLS TO BE ESTABLISHED UPON FARMS. CONDEMNATION OF LAND.** The schools herein provided for shall be established upon farms, within the limits of the said counties; and for said purpose such counties may acquire as much land as shall be necessary, by purchase or condemnation, with the same power and under the same procedure as land is now acquired within the limits of school districts for school purposes, under the acts of Assembly in such case made and provided; the board of managers of said school exercising the authority exercised by school directors for said purposes.

Sec. 3, Act of May 5, 1915, P. L. 244.

**142. FEMALE SUPERINTENDENT. PAROLE OF INMATES. APPREHENSION AND RETURN.** Such school shall be presided over by a female superintendent, who shall be a person trained in educational and social work, and shall have the power of detention over the children committed thereto. When any girl committed to said schools shall have attained a condition of mental and moral advancement satisfactory to the superintendent and board of managers, they shall so certify to the juvenile court which has committed her to said school, whereupon the said court may order her release upon parole, under conditions which shall be prescribed by said board of managers, subject to the approval and direction of the court; and in case the conduct of such girl released upon parole shall be such as to satisfy the board of managers that a further period of training is necessary, said board shall have the power, through its agent or agents, at any time during her minority, to apprehend and return her to said school, where she shall remain subject to the same control as when originally committed; and in such case it shall be the duty of the superintendent immediately to notify the said court thereof.

Sec. 4, Act of May 5, 1915, P. L. 244.

**143. BOARD OF MANAGERS. TERMS OF OFFICE. REPORTS. VACANCIES. REMOVAL. BOARD TO RECEIVE NO COMPENSATION BUT EXPENSES.** Such school shall be estab-

lished and managed by a board of nine managers, of whom five shall be women. The judges of the court or courts of common pleas of such county shall appoint said managers. Upon the first appointment, three of said managers shall be appointed to serve for one year, three for two years, and three for three years; and thereafter three shall be appointed annually, to serve for a term of three years. The time of the commencement of the term of said managers shall be fixed by said judges, but shall not be later than July the first, Anno Domini one thousand nine hundred and fifteen.

The board of managers shall, as often as required, at least once every six months, report to the said judges in the form by them prescribed. Said judges shall also have power to fill any vacancies in said board of managers, for unexpired terms, as well as the power, in their discretion, to remove any of said managers appointed by them, at any time, and to fill the vacancies thereby created. Said managers shall receive no compensation, but the necessary expenses incurred in the performance of their duties shall be paid.

Sec. 5, Act of May 5, 1915, P. L. 244.

**144. WHO MAY BE COMMITTED TO SCHOOL.** Said school shall receive girls upon the commitment of the juvenile court of such county; and such school may, upon a proper compensation being arranged for, receive girls committed thereto by the juvenile courts of counties other than that by which said school is maintained.

Sec. 6, Act of May 5, 1915, P. L. 244.

In view of the provisions of section 10 of the Act of April 23, 1903, P. L. 274, supra section 39, which provides as follows: "It shall not be lawful to commit the custody of any neglected or dependent child \* \* \* to any institution of correction or reformation in which delinquent children are received, nor shall any delinquent child be committed to any institution in which dependent or neglected children are received," female delinquent children only should be committed to such school.

**145. SCHOOLS HOW MAINTAINED. ESTIMATES AND APPROPRIATIONS. BOND ISSUES. IN CASE OF DISPUTES, COURTS TO CERTIFY AMOUNT OF APPROPRIATIONS REQUIRED.** The counties hereby required to establish and maintain schools, as aforesaid, shall pay for the establishment and maintenance thereof out of the general county funds. On or before the fifteenth day of January of each year, the said board of managers shall make up an estimate of the amount of money required during the ensuing calendar year, for the acquiring of lands, making of improvements, equipment, and maintenance of such school during the ensuing calendar year; which estimate shall be certified to the county commissioners, in order that they make provision for the maintenance of said school in the annual tax levy; and for the establishment, extension, improvement, or equipment thereof, either in the annual tax levy or by issue of bonds, as the county commissioners shall deem

wise. Should the said board and the said commissioners differ in their judgment as to any amount of money required, as aforesaid, the matter shall be submitted to a court of common pleas of said county, which court, after investigation, shall certify the amount required, and its decision shall be final. The said county commissioners may also, upon the request of said board of managers, prior to the year nineteen hundred and sixteen, issue bonds for the establishment of such school, or appropriate to the same or to the maintenance thereof, out of the county treasury, such sums as they may find it convenient to so expend. Any bonds issued for the purposes aforesaid shall be issued in compliance with the existing law covering the issue of bonds by county commissioners, for the erection or repair of public buildings.

Sec. 7, Act of May 5, 1915, P. L. 244.

146. **TEACHERS.** Said board of managers shall determine the number of teachers and other persons necessary for the proper conduct of the said school, and shall fix the salaries to be paid to them as well as to the superintendent aforesaid.

Sec. 8, Act of May 5, 1915, P. L. 244.

147. **PRESIDENT AND SECRETARY OF BOARD OF MANAGERS.** Said board of managers shall annually elect from their own number a president and a secretary.

Sec. 9, Act of May 5, 1915, P. L. 244.

148. **APPROPRIATIONS. AUDIT.** Upon the written request of said board of managers, certified to them by its president and secretary, the county commissioners of the said counties are empowered to pay over to said board, from time to time, out of the amounts appropriated for each fiscal year, as aforesaid, for the establishment, construction, extension, improvement, equipment, and maintenance of said school, sums of not less than five thousand (\$5,000.00) dollars, by warrant drawn on the county treasurer and countersigned by the county controller of the proper county, in the form now in use for the disbursement of funds for general county purposes. And all of such funds, expended on account of said school by its said board of managers, shall be accounted for to, and be subject to audit by, the county controller of the proper county, in the manner now provided by law.

Sec. 10, Act of May 5, 1915, P. L. 244.

149. **MONEYS REALIZED FROM SALE OF PRODUCTS. INMATES MAY RECEIVE EARNINGS.** Any moneys realized from the sale of any products of said schools or the farms connected therewith shall be paid into the county treasury, and become a part of the general county fund; but the said board of managers, in its

discretion, may provide for allowing a portion of the earnings of said school to be paid to the girls producing the same.

Sec. 11, Act of May 5, 1915, P. L. 244.

(3) County Industrial Homes for the Care and Training of Children.

150. ESTABLISHMENT OF INDUSTRIAL HOMES BY COUNTIES FOR CARE AND TRAINING OF CHILDREN. It shall be lawful for any county or for two or more counties in this Commonwealth acting together, to establish and maintain an industrial home for the care and training of children; but such institution or home shall be remote from any almshouse or poorhouse, and entirely disconnected from the same, and under separate management from the keeper of the poorhouse.

Sec. 3, Act of June 13, 1883, P. L. 111.

(D) Municipal Institutions.

(1) House of Correction, Employment and Reformation of Philadelphia.

151. TRANSFER OF INMATES FROM BLOCKLEY AND COUNTY PRISON. COMMITMENT OF VAGRANTS, HABITUAL DRUNKARDS, STREET WALKERS AND DISORDERLY PERSONS. (MINORS). TRANSFER OF INMATES OF POORHOUSES. (Whenever the managers of the house of correction, employment and reformation shall desire to make any additional permanent improvement, or purchase additional ground, and shall recommend that the same be done, and after the committee of councils of Philadelphia on house of correction shall endorse the said recommendation, then the councils of the city of Philadelphia shall make all necessary appropriations asked for by the said managers, for the purposes so recommended; and the managers of the house of correction, employment and reformation shall have power to superintend and direct the erection, completion and furnishing of said buildings during the progress of the said work. The said managers may extend from their property a single track railroad along and over such lands as may intervene between their ground and the Philadelphia and Trenton Railroad Company, and connect therewith: Provided, The said railroad company assent thereto, (the distance of the said road not to exceed two thousand yards,) and to purchase right of way over the land to Philadelphia and Trenton railroad, and to erect wharves upon their property; the managers may provide for such inmates as may be necessary to aid in the construction of the permanent building, and after the two first wings have been furnished,) the said board of managers shall have full and entire control to regulate the inmates therein, and shall at such time as they think proper, certify to the court of quarter sessions and to the board of managers of the

Blockley almshouse, which court and managers and the inspectors of the Philadelphia county prison respectively thereafter commit to the said house of correction, employment and reformation, such able-bodied paupers and vagrants as may have been committed or sentenced to be confined in the county prison or Blockley almshouse for a period of not less than three months; and it shall be the duty of the said judges of the court of quarter sessions and the inspectors of the Philadelphia county prison to commit to said house of correction, employment and reformation, all vagrants, habitual drunkards, street walkers and disorderly persons, (adult or) minors, whom they may deem best to so confine; and it shall be the duty of the managers of the Blockley almshouse, managers of the poor for township of Germantown, managers of Lower Dublin and Oxford poor house, to transfer, within twenty-four hours after entrance in said almshouse, all able-bodied paupers, (adults or) minors, except such as may be necessary to employ in the service of said almshouses.

Sec. 2, Act of June 2, 1871, P. L. 1301.

152. COMMITMENT TO INSTITUTION. INSTRUCTION AND BINDING OUT OF INMATES. The managers of the house of correction, employment and reformation, or any one of them, may commit thereto any and all persons who are willing to be so committed; and the mayor and recorder of the city of Philadelphia, the inspectors of the county prison, and all committing magistrates in the city and county of Philadelphia, may and they are hereby authorized to commit to, said house of correction, employment and reformation, for any period of time not less than three nor more than twelve months, all or any person or persons who, under existing laws, are liable to be committed to places of confinement, who shall apply to them for such purpose; all persons, (adults or) minors, that may hereafter be convicted, according to the existing laws of this Commonwealth, before the mayor or recorder, or any alderman of the city of Philadelphia, as a vagrant, drunkard or disorderly street walker, shall be sentenced to suffer confinement in the said house of correction, employment or reformation for the terms hereinafter mentioned, and to be fed, clothed and treated in the manner hereinafter mentioned; and any minors not under sixteen years of age, except by permission of the board of managers, absenting themselves from school, or who shall disobey their parents' command, or be found idle in the streets, may be arrested, upon the complaint of the parents of said minor, or upon the complaint of any citizen, and after the examination of the case, if the mayor, recorder or magistrate shall deem the charges sustained, he shall commit said minor to the house of correction, employment and reformation for such length of time as he may regard proper: Provided, That the time of incarceration for a boy shall not exceed his maturity, twenty-one years of age, nor a girl beyond the

age of eighteen years, except in cases where a commitment for the time heretofore named, of not less than three months, nor more than twelve months, would exceed the ages specified; and managers shall have power, in their discretion, to place the said children committed to their care, during the time of commitment of the said children, at such employments, and cause them to be instructed in such branches of useful knowledge as may be suited to their years and capacities, and to place them at such work as they may be able to do, and to bind them out to such tradesmen or employers as may offer to receive them until the expiration of their commitment, under such regulations and conditions as the managers may agree upon.

Sec. 3, Act of June 2, 1871, P. L. 1301.

**153. COMMITMENT OF CERTAIN CHILDREN OVER THE AGE OF SIXTEEN.** All children, not under the age of sixteen years, deserting their homes without good and sufficient cause, or keeping company with dissolute or vicious persons, against the lawful commands of their fathers, mothers or guardians, or other person standing in the place of a parent, shall be deemed disorderly children.

Sec. 4, Act of June 2, 1871, P. L. 1301.

Part of the jurisdiction of the Municipal Court of Philadelphia seems to be conferred with a view of embracing those cases in which convicted persons were formerly sentenced to the House of Correction, Employment and Reformation in Philadelphia by the mayor and aldermen of this city. The jurisdiction above referred to, which is exclusive, is found in the Act of June 17, 1915, P. L. 1017, amending section 11, of the Act of July 12, 1913, P. L. 711, and is as follows:

"(c) In all proceedings concerning, or trials of charges brought against, all persons, whether adults or minors, accused of disorderly street-walking.

(d) In all proceedings concerning, or trials of charges brought against, all minors between the ages of sixteen and twenty-one years who shall disobey their parents' command, or be found idle in the streets, and against all disorderly children.

(e) All children not under the age of sixteen years deserting their homes without good and sufficient cause, or keeping company with dissolute or vicious persons, against the lawful commands of their fathers, mothers or guardians, or other person standing in the place of a parent, shall be deemed disorderly children."

**154. COMPLAINT AND ARREST OF CHILDREN OVER THE AGE OF SIXTEEN.** Upon complaint made on oath to any police magistrate or justice of the peace against any child within the city of Philadelphia, not under the age of sixteen, by his or her parent or guardian, or other person standing to him or her in place of a parent, as being disorderly, such magistrate or justice shall issue his warrant for the apprehension of the offender, and cause him or her to be

brought before himself or any other police magistrate or justice for examination.

Sec. 5, Act of June 2, 1871, P. L. 1301.

**155. PROCEEDINGS BEFORE MAGISTRATES AND JUSTICES, FOR COMMITMENT OF MINORS. APPEALS BY PERSONS COMMITTED.** If such magistrate or justice be satisfied, by competent testimony, that such person is a disorderly child within the description aforesaid, he shall make up and sign a record of conviction thereof, and shall, by warrant, under his hand, commit such person to the house of correction, employment and reformation; and the powers and duties of the said managers in relation to the said children shall be the same in all things as are prescribed as to other minors received by them; and it shall be the duty of such magistrate or justice as aforesaid, in addition to the record of conviction, to annex the names and residence of the different witnesses examined before him, and the substance of the testimony given by them respectively on which the said conviction was founded: Provided, That any person committed shall have the same right of appeal as is now secured by law to persons convicted of criminal offences; but no such appeal mere informality in the issuing of any warrant shall not be held to be sufficient cause for granting a discharge.

Sec. 6, Act of June 2, 1871, P. L. 1301.

Since the Act of March 26, 1903, P. L. 66, supra section 34, justices of the peace and magistrates no longer have the power to commit minors under the age of sixteen.

**156. HABEAS CORPUS.** Any person committed to the said house of correction, employment and reformation, by any other authority than the court of quarter sessions of the peace of the city and county of Philadelphia, may apply for a writ of habeas corpus to any judge of the said court, and upon return thereof, if such judge shall deem there is sufficient or reasonable ground for granting the same, he shall enter upon a re-hearing of the evidence, and either discharge the individual, modify or confirm the commitment.

Sec. 13, Act of June 2, 1871, P. L. 1301.

**157. EMPLOYMENT OF INMATES OF INSTITUTION.** Every person in the custody of the said board of managers, not disqualified by sickness or casualty, shall be employed by the superintendent in quarrying stone, cultivating the ground, manufacturing such articles as may be needed for the prison, almshouse, other public institution of the State or city, or for other persons, and at such other labor as shall, upon trial, be found to be profitable to the institution, and suitable to its proper discipline and to the health and capacities of the inmates; and the superintendent may detail such numbers of



the inmates as he may regard proper to do the work, outside of grounds of the institution, for any of the departments or institutions of the city, or for such other persons as may be approved by the board of managers.

Sec. 7, Act of June 2, 1871, P. L. 1301.

**158. PENALTY UPON INMATES REFUSING OR NEGLECTING TO WORK. RECORDS TO BE KEPT. EXAMINATION OF SUCH INMATES BY PHYSICIAN.** If any person committed to the said house of correction, employment and reformation, according to law, shall refuse or neglect to perform the work assigned to him or her, it shall be the duty of the superintendent to punish such persons by close confinement, on a diet of bread and water only, for such time as may be deemed necessary; which refusal and punishment shall be forthwith reported to the managers, and shall, by the clerk of the board, be recorded in a book to be kept for that purpose; it shall be the duty of the physician of the institution to visit every person, so confined for punishment, at least once in each and every twenty-four hours, and he shall record, in a book to be kept for that purpose, his opinion upon the health of the person confined; upon his opinion being given of said confinement acting injuriously thereon, the said confinement or diet shall be altered in such manner as he shall direct.

Sec. 8, Act of June 2, 1871, P. L. 1301.

**159. MISDEMEANOR BY INMATES. PENALTY.** Any inmate of said institution who shall wilfully break, destroy or injure any material, machinery, tool, property or thing belonging to the said institution, or shall escape therefrom, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of record of the county of Philadelphia, may be punished by imprisonment at hard labor for not less than one month or more than one year.

Sec. 9, Act of June 2, 1871, P. L. 1301.

(E) Miscellaneous Institutions.

(1) Homes for Friendless Children.

**160. HOMES FOR FRIENDLESS MAY PETITION COURTS FOR COUNTY AID.** The board of trustees and the board of managers, or a majority of each thereof, of any school, commonly known as a home for friendless children, or institution for the purpose of educating and providing for friendless, destitute or vagrant children, now formed, organized or established, or that may hereafter be formed, organized or established in this Commonwealth, not of a denominational or sectarian character, shall have the right to petition the judge or judges of the court of common pleas of the county in which said school or institution is located, asking for a decree authorizing and directing the payment of moneys out of the funds of said county,

for the education and support of the children of such school or institution; said petition shall set forth, under the oath or affirmation of the president of the board of trustees and the president of the board of managers of such school or institution, the number of children cared for during the current year, the number of children bound out or apprenticed, and the age and sex of the same, the income and expenditures of such school or institution, the cost of educating and maintaining the children per capita, and such other matter relative to the wants and condition of the school or institution, and the welfare and advancement of the children, as the said court may direct for its information.

Sec. 1, Act of April 12, 1875, P. L. 46, No. 51.

See *infra* section 205 relating to visitation by official visitors.

**161. POWERS OF COURT WITH RESPECT OF PAYMENT OF MONEYS BY COUNTIES TO HOMES FOR FRIENDLESS. MANNER OF PAYMENT.** The court of common pleas have the power, and it shall be their duty, on the presentation of a petition as provided for in the preceding section, after full investigation of the same, to order and direct the commissioners of the county or city in which such school or institution is situate, to pay to the treasurer of such school or institution, out of the county funds, such sum or sums of money and in such installments as in the discretion of the said court may be deemed just and necessary; and it shall be the duty of the said commissioners to draw their warrant upon the county or city treasurer for the payment of such appropriation in such manner and form as shall be provided for by the said court.

Sec. 2, Act of April 12, 1875, P. L. 46, No. 51.

**162. APPOINTMENT OF TRUSTEES AND MANAGERS. ITEMIZED ACCOUNTS. PUBLICATION OF ACCOUNTS. AUDIT AND SETTLEMENT OF ACCOUNTS.** The court of common pleas shall appoint one-third in number of the trustees and managers of any such school or institution accepting the benefits of this act; (and shall have power,) to require the treasurer of any such school or institution to furnish the county or city commissioners an itemized account of the receipts and expenditures of such school or institution at the end of each fiscal year; to advertise the same in not less than two weekly newspapers published in the county, supporting any such school or institution, one insertion weekly, for four successive weeks; and to require the county auditors, controllers or city controllers, of any city or county, as the case may be, and it shall be the duty of said officers, to audit, settle and adjust the account of the said treasurer, and to make report thereof to the said court.

Sec. 3, Act of April 12, 1875, P. L. 46, No. 51.

**163. ADMISSION OF DESTITUTE AND VAGRANT CHILDREN TO HOMES FOR FRIENDLESS. REFUSAL TO ADMIT.** When any such school or institution has accepted the provisions of this act and has sufficient building capacity, the management thereof shall admit to the benefits of any such school or institution any friendless, destitute or vagrant child, recommended for admission by the board of school directors of the school district in which such child may reside or be found, or by the directors of the poor of any county in which such school or institution is located, guardians of the poor, overseers of the poor or poor directors, as the case may be, of any city or district included in said county; in case any child is refused admission, the said court of common pleas, on complaint made thereto by any person after due and legal proof of such refusal, shall enjoin the payment of moneys out of the county funds as authorized by this act: Provided however, That no child shall be admitted under the age of four years nor above the age of sixteen.

Sec. 4, Act of April 12, 1875, P. L. 46, No. 51.

**164. ACCEPTANCE OF ACT. EMPLOYMENT OF TEACHERS.** The board of trustees and the board of managers of any such school or institution desiring to accept the provisions of this act, shall set forth the same in their first petition presented to the said court of common pleas, as authorized in the first section of this act; no teacher shall be employed in any such school or institution who has not received a valid certificate from the superintendent of the schools of the county in which such school or institution is situate.

Sec. 6, Act of April 1875, P. L. 46, No. 51.

## (2) Philadelphia Protectory.

**165. COMMITMENT OF MALE JUVENILE OFFENDERS TO PHILADELPHIA PROTECTORY FOR BOYS.** From and after the passage of this act, it shall be lawful for judges of the courts of quarter sessions of the peace, magistrates and justices of the peace in this Commonwealth to commit, with the consent of parent, guardian or custodian, vicious or incorrigible minors, of the male sex, to the Philadelphia Protectory for Boys, located at Protectory, Montgomery County, Pennsylvania.

Sec. 1, Act of May 11, 1901, P. L. 187, No. 155.

With regard to commitment by magistrates and justices of the peace of minors under sixteen years of age, see section 1, Act of March 26, 1903, P. L. 66, supra section 34.

**166. WHEN COMMITMENT TO PHILADELPHIA PROTECTORY TO BE MADE.** Such commitment shall be made by any judge, magistrate or justice, as aforesaid, upon complaint and due proof that

such minor, by reason of incorrigible behavior or vicious conduct, has become beyond the control of his parents, guardians or custodians.

Sec. 2, Act of May 11, 1901, P. L. 187, No. 155.

See note to section immediately preceding.

### (3) Incorporated Societies.

#### 167. COMMITMENT OF DELINQUENTS TO INCORPORATED SOCIETIES HAVING FOR ITS OBJECT PROTECTION OF CHILDREN FROM CRUELTY, OR THE PLACING OF CHILDREN.

It shall be lawful for any society duly incorporated, having for one of its objects the protection of children from cruelty or the placing of children not otherwise provided for in families, to receive into its care and guardianship, at its discretion, minors committed to such care and guardianship by any justice of the peace, magistrate or judge of any court, upon complaint and due proof made, first, that such minor by reason of incorrigible, unmangeable, vicious or wayward conduct is beyond the control of the parent or guardian of such infant, or, second, that the parents of such minor by reason of vagrancy, incorrigible or vicious conduct, criminal offense, moral depravity or cruelty, are unfit to have the training and control of such minor, or, third, that the said minor is a vagrant and has no parent or guardian capable or willing to restrain, manage or take proper care of such minor, or the said society may receive under its care and guardianship any minor as aforesaid, when such minor has been committed to its care and guardianship by the judge of any court after said minor shall have been duly convicted of any criminal offense.

Sec. 1, Act of June 8, 1893, P. L. 399.

The Act of April 23, 1903, P. L. 274, section 10, *supra* section 39, makes it unlawful to commit the custody of any neglected or dependent child \* \* \* to any institution of correction or reformation in which delinquent children are received, or to commit any delinquent child to any institution in which dependent or neglected children are received.

See sections 5 and 6 of the Act of June 8, 1893, P. L. 399, *infra* sections 200 and 204 relating to the binding out of children and visitation of the children committed.

168. POWER OF JUSTICES OF THE PEACE, MAGISTRATES AND COURT TO COMMIT DELINQUENT CHILDREN. It shall be lawful for any justice of the peace, magistrate or judge of any court to commit minors to any society duly incorporated, having for one of its objects the protection of children from cruelty or the placing of children not otherwise provided for in families, upon complaint and due proof made of facts such as are set forth in the first section of this act after the said minors have been duly convicted of any criminal offense.

Sec. 2, Act of June 8, 1893, P. L. 399.

Justices of the peace and magistrates no longer have the power to commit children under the age of sixteen, see section 1, Act of March 26, 1903, P. L. 66, *supra* section 34.

**169. NAMES AND ADDRESSES OF WITNESSES AND SUBSTANCE OF EVIDENCE TO BE ATTACHED TO COMMITMENT.**

It shall be the duty of the justice of the peace or magistrate aforesaid committing a vagrant or incorrigible or vicious minor as aforesaid, or any minor as provided in section one of this act, to annex to his commitment the names and residences of the different witnesses examined before him and the substance of the testimony given by them respectively on which the said adjudication was founded.

Sec. 3, Act of June 8, 1893, P. L. 399.

See notes to section immediately preceding.

**170. ACTS OF MAGISTRATES, ETC., COMMITTING DELINQUENTS, TO BE REVIEWED BY JUDGE. DELINQUENTS TO BE DETAINED OR DISCHARGED.** It shall be the duty of any magistrate or justice of the peace making a commitment as provided in the first and second sections of this act of a minor to any society to transfer his commitment, together with the various matters annexed thereto as provided in the third section of this act, to the district attorney of the county in which said commitment shall be made, and it shall be the duty of the district attorney when the same shall be placed in his hands, or as soon as it is possible thereafter, to place the said commitment, with the matters annexed, in the hands of a judge sitting at quarter sessions, who shall examine the same and shall endorse thereon an order for the detention of the said minor by the said society, or if he shall be of the opinion that the said minor has been wrongfully committed, he shall endorse upon the commitment an order for the discharge of the said minor: Provided, That nothing in this act contained shall be construed to interfere with the provisions of an act, entitled "An act for the better securing of personal liberty and preventing unlawful imprisonment," passed on the eighteenth day of February, one thousand seven hundred and eighty-five, commonly called the habeas corpus act.

Sec. 4, Act of June 8, 1893, P. L. 399.

See notes to section 2 of this act, *supra* section 168.

## VII.

### DETENTION, CONTROL AND BOARDING-OUT OF DELINQUENT, DEPENDENT AND NEGLECTED CHILDREN.

FOR DETENTION AND CONTROL OF CHILDREN IN PARTICULAR INSTITUTIONS SEE THE FOLLOWING SECTIONS:

	Sections.
Pennsylvania Industrial Reformatory at Huntingdon, .....	69,74,77,78
Pennsylvania Training School at Morganza, .....	87,95
State Industrial Home for Women at Muncy Station, .....	97-101
Glen Mills Schools, .....	115,116,119,122,124
House of Correction, Employment and Reformatioh of Philadel- phia, .....	151,152,157

171. CHILDREN BETWEEN AGES OF TWO AND SIXTEEN NOT TO BE DETAINED IN ALMSHOUSE OR POOR HOUSE. It shall not be lawful for the overseers or guardians or directors of the poor in the several counties, cities, boroughs and townships of this Commonwealth, to receive into, or retain in any almshouse or poor-house, any child between two and sixteen years of age for a longer time than sixty days, unless such child be an unteachable idiot, an epileptic or a paralytic, or otherwise so disabled or deformed as to render it incapable of labor or service.

Sec. 1, Act of June 13, 1883, P. L. 111.

172. FEMALE JUVENILE OFFENDERS SUBJECT TO RESTRAINT DURING MINORITY. Whenever a girl shall have been duly committed to a house of refuge or reform school within the Commonwealth of Pennsylvania, the charge and power of the managers of such institution, upon and over the said girl, shall continue in all cases during her minority.

Sec. 1, Act of March 24, 1909, P. L. 62.

173. INMATES OF HOUSES OF REFUGE AND REFORM SCHOOLS UNFIT TO BE INDENTURED, MAY BE BOARDED OUT. Whenever, in the opinion of the board of managers of any house of refuge or reform school in this Commonwealth, it shall be for the best interests of any minor committed to it, that he or she shall leave the institution on parole, and there is no relative or guardian fit or capable of assuming the custody or care of such minor, and such minor is through mental or physical defects unfit to be indentured or placed out on wages or for a home, and it is necessary that board

shall be paid to secure a home, it shall be lawful for such house of refuge or reform school to pay such board as may be necessary, not exceeding in any case the current per capita charge, one-half of which is paid by the counties from which children are committed to such institution, and to charge the amount so paid to the current expenses of the institution; and in the charges made to the county from which such minor has been committed, he or she shall be counted as an inmate from such county so long as he or she shall remain under the guardianship of such house of refuge or reform school.

Sec. 1, Act of April 22, 1909, P. L. 113.

**174. FEMALE OFFENDERS ABOUT TO BECOME MOTHERS TO BE LODGED OUTSIDE INSTITUTIONS.** From and after the passage of this act, it shall be lawful for the warden or superintendent, or other person in charge of (any penitentiary, jail,) reformatory, (workhouse), or other penal institution within the Commonwealth, upon the application of any female prisoner or inmate about to become a mother, endorsed by the physician of such institution, to lodge such prisoner or inmate, in his discretion, and upon such terms and conditions and for such length of time as he shall see fit, outside such penitentiary, et cetera, at the time at which such prisoner or inmate may become a mother, and to make any expenditures which may seem to him proper for her care and that of her child, and to guard against her escape.

Sec. 1, Act of May 8, 1913, P. L. 166.

**175. EXPENSES OF LODGING FEMALE OFFENDERS OUTSIDE OF INSTITUTIONS. HOW PAID.** The expense so incurred shall be collectible as are the expenses of said female prisoner or inmate within such penitentiary, et cetera, under existing laws.

Sec. 2, Act of May 8, 1913, P. L. 166.

**176. RIGHT OF INMATES OF PENAL INSTITUTIONS TO PRACTICE RELIGION.** All persons confined or detained in any (prison), reformatory, house of refuge, home, (hospital), or other institutions founded for the punishment, correction or crime, or the relief of the (sick and) friendless, and supported in whole or in part by the funds drawn from the public treasury, shall have the privilege of practicing the religion of their choice, and shall be at liberty to secure for that purpose the services of any minister connected with any religious denomination in the State; Provided, That such services shall be personal to the inmate or inmates, and not interfere with the established order of religious services of the institution or institutions: Provided further, That such established services shall not be of a sectarian character.

Sec. 1, Act of June 11, 1879, P. L. 140, No. 148.

## VIII.

### EMPLOYMENT OF INMATES OF REFORMATORY AND CORRECTIONAL INSTITUTIONS.

FOR PROVISIONS AS TO EMPLOYMENT OF CHILDREN IN PARTICULAR INSTITUTIONS SEE THE FOLLOWING SECTIONS:

	Sections.
Pennsylvania Industrial Reformatory at Huntingdon, .....	77,78,86
Pennsylvania Training School at Morganza, .....	87
State Industrial Home for Women at Muncy Station, .....	97-99,101
Glen Mills Schools, .....	119
House of Correction, Employment and Reformation of Philadelphia, .....	152,157

177. EIGHT HOURS TO CONSTITUTE A DAY'S LABOR IN REFORMATORY INSTITUTIONS. From and after the passage of this act, eight hours out of the twenty-four of each day shall make and constitute a day's labor and service in the (penitentiaries and) reformatory institutions which shall receive support from appropriation made by the General Assembly of this Commonwealth, and by taxes levied and paid by the several counties thereof in whole or in part.

Sec. 1, Act of May 20, 1891, P. L. 100.

178. SUPERINTENDENTS AND OFFICERS NOT TO ALLOW OR COMPEL MORE THAN EIGHT HOURS WORK. All superintendents and officers over, and all persons authorized to make contracts for, and to employ persons for labor and service or appoint under-officers in, for and around said (penitentiaries and) reformatory institutions mentioned in the first section of this act, are hereby forbidden and prohibited under the penalties mentioned in the third section of this act, from allowing or compelling any of said employes or under-officers to give and serve any more than eight hours out of each twenty-four hours in such service or labor.

Sec. 2, Act of May 20, 1891, P. L. 100.

179. GOVERNOR TO INVESTIGATE CHARGES OF VIOLATING EIGHT HOUR LAW. SUSPENSION AND DISMISSAL OF PERSON GUILTY OF VIOLATING LAW. The Governor of this Commonwealth is hereby authorized and directed to execute and carry out the foregoing sections of this act, and is hereby authorized,



empowered and directed, upon complaint and petition of any of the laborers, employes and under-officers mentioned in the foregoing sections, that he or they have been compelled or required to serve contrary to the provisions of same foregoing sections of this act, to hear and determine the same, and in the event of it appearing to him that the provisions of this act have been violated or in any manner evaded he is authorized and empowered to suspend or dismiss from his office or post the officer, superintendent or other person determined to be guilty of violating or evading the same, and that such vacancy caused by the suspension or dismissal of said officers, superintendents or other persons so determined to have violated the provisions of this act, shall be filled in the manner heretofore provided by law.

Sec. 3, Act of May 20, 1891, P. L. 100.

**180. REPEAL. CONSTRUCTION OF ACT.** (All acts or parts of acts inconsistent herewith be and the same are hereby repealed:) Provided, That this act shall not be construed to have reference to any institution wherein the employes are resident.

Sec. 4, Act of May 20, 1891, P. L. 100.

**181. EMPLOYMENT OF INMATES OF STATE REFORMATORY INSTITUTIONS IN BEHALF OF STATE.** At the expiration of existing contracts the board of inspectors, wardens or other officers of State (prisons and) reformatory institutions are directed to employ the convicts under their control for and in behalf of the State.

Sec. 1, Act of June 13, 1883, P. L. 112, No. 99.

**182. EMPLOYMENT OF INMATES OF REFORMATORY INSTITUTIONS RECEIVING STATE AID. CONTRACT LABOR ABOLISHED.** The chief officers of the various reformatory institutions, deriving their support wholly or in part from the State, are hereby directed at the expiration of existing contracts, to employ the inmates of said institutions for and in behalf of such institutions; and no labor shall be hired out by contract.

Sec. 2, Act of June 13, 1883, P. L. 112, No. 99.

**183. EMPLOYMENT OF INMATES OF COUNTY REFORMATORY INSTITUTIONS.** The officers of the various county (prisons, workhouses and) reformatory institutions within this Commonwealth, now letting the labor of convicts by contract, shall, at the expiration of existing contracts, employ the same for and in behalf of their respective counties.

Sec. 3, Act of June 13, 1883, P. L. 112, No. 99.

This section seems to apply only to county institutions.

**184. INMATES OF COUNTY REFORMATORY INSTITUTIONS. NUMBER OF TO BE EMPLOYED IN CERTAIN VOCATIONS.** The officers of the various county (prisons, workhouses, and) reformatory

tory institutions, within the Commonwealth of Pennsylvania, shall not employ more than five per centum of the whole number of inmates in said institutions in the manufacture of brooms and brushes and hollow-ware, and ten per centum in the manufacture of any other kind of goods, wares, articles, or other things that are manufactured elsewhere in the State, except mats and matting, in the manufacture of which twenty per centum of the whole number of inmates may be employed. Provided, This act shall not apply to goods manufactured for use of the inmates of such institution, or for any institution or the inmates of any institution supported, wholly or in part, by the county in which the prison, workhouse, or reformatory institution is located, or for the use of the county itself.

Sec. 1, Act of June 1, 1915, P. L. 654, amending Sec. 2, of the Act of June 18, 1897, P. L. 170, as amended by Sec. 1 of the Act of April 28, 1899, P. L. 122.

This section seems to apply only to county institutions.

**185. EMPLOYMENT OF INMATES OF PENAL INSTITUTIONS.** All persons sentenced (to the Eastern or Western Penitentiary, or) to the Pennsylvania Industrial Reformatory at Huntingdon, or to any other correctional institution hereafter established by the Commonwealth, who are physically capable of such labor, may be employed at labor for not to exceed eight hours each day, other than Sundays and public holidays. Such labor shall be for the purpose of the manufacture and production of supplies for said institutions, or for the Commonwealth or for any county thereof, or for any public institution owned, managed, and controlled by the Commonwealth, or for the preparation and manufacture of building material for the construction or repair of any State institution, or in the work of such construction or repair, or for the purpose of industrial training or instruction, or partly for one and partly for the other of such purposes, or in the manufacture and production of crushed stone, brick, tile, and culvert pipe, or other material suitable for draining roads of the State, or in the preparation of road building and ballast material.

Sec. 1, Act of June 1, 1915, P. L. 656.

**186. PRISON LABOR COMMISSION. EMPLOYES.** A member of the board of prison inspectors of the Eastern Penitentiary, designated by such board; a member of the board of prison inspectors of the Western Penitentiary, designated by such board; and a member of the board of managers of the Pennsylvania Industrial Reformatory at Huntingdon, designated by such board, shall constitute the Prison Labor Commission, which commission shall perform the duties hereinafter specified with reference to the regulation and supervision of the labor of inmates of the (penitentiaries and) reformatory, and other correctional institutions hereafter established by this Com-

monwealth, and for the disposal of the products of the labor of such inmates. The members of this commission shall serve without salary, but they shall be allowed their expenses actually and necessarily incurred in the discharge of their duties. The Prison Labor Commission is empowered to employ such clerks or other employes as are necessary for the proper conduct of its business, at such salaries as shall be determined by the commission.

Sec. 2, Act of June 1, 1915, P. L. 656.

187. DUTIES OF PRISON LABOR COMMISSION. The Prison Labor Commission shall determine the amount, kind, and character of the machinery to be erected in each of the (penitentiaries and) reformatory, or other correctional institutions hereafter established, the industries to be carried on therein, having due regard to the location and convenience thereof with respect to other institutions to be supplied, to the machinery therein, and the number and character of inmates.

Sec. 3, Act of June 1, 1915, P. L. 656.

188. SALE OF MATERIALS PRODUCED. The Prison Labor Commission shall arrange for the sale of the materials produced by the prisons, to the Commonwealth, or to any county thereof, or to any of the public institutions owned, managed, and controlled by the Commonwealth.

Sec. 4, Act of June 1, 1915, P. L. 656.

Quaere: Whether this section was not meant to include reformatories and correctional institutions as in the rest of the act, as well as prisons.

189. APPROPRIATION FOR MANUFACTURING FUND. For the purchase of material, equipment, and machinery to be used in the (penitentiaries,) reformatory, and other correctional institutions as aforesaid, a special appropriation of seventy-five thousand dollars shall be made to the Prison Labor Commission, to be known as the manufacturing fund.

Sec. 5, Act of June 1, 1915, P. L. 656.

190. APPROPRIATION FOR EXPENSES OF COMMISSION. FUND FROM SALE OF PRODUCTS. MONTHLY REPORT TO AUDITOR GENERAL. (The sum of eight thousand dollars, or so much thereof which may be necessary, is hereby specially appropriated to the Prison Labor Commission, for the two fiscal years beginning January first, one thousand nine hundred and sixteen, for the purpose of paying salaries of clerk hire, traveling expenses, and contingent expenses.) The receipts from the sales of manufactured articles, sold as aforesaid to the Commonwealth or any county thereof, or any public

institution owned and managed and controlled by the Commonwealth, shall not be turned into the State Treasury, but shall be credited to the manufacturing fund, created by section five, and used for the purchase of further material, equipment, machinery, and supplies; and the commission shall make a full monthly report of the products, sales, receipts, and disbursements of such industries to the Auditor General of the Commonwealth.

Sec. 6, Act of June 1, 1915, P. L. 656.

**191. ACCOUNTS OF EARNINGS OF PRISONERS.** Hereafter an account shall be kept by the proper officers of (the Western Penitentiary, the Eastern Penitentiary, and) the Pennsylvania Industrial Reformatory at Huntingdon, and the other correctional institutions hereafter established by the Commonwealth, of the labor performed by all prisoners under sentence in such institution. In such account the prisoner shall be credited with wages for the time he is actually engaged in work; the rate of such wage, and the amount credited to each, to be regulated at the discretion of the Prison Labor Commission, or such persons as they may designate. In no case shall the amount be less than ten cents, nor over fifty cents, for each day of labor actually performed. The difference in the rate of compensation shall be based both upon the pecuniary value of the work performed and also on the willingness, industry, and good conduct of such prisoner.

Sec. 7, Act of June 1, 1915, P. L. 656.

**192. MONEYS EARNED BY PRISONERS MAY BE PAID TO DEPENDENTS.** Three-fourths of the amount credited to each prisoner, or the entire amount if the prisoner so wishes, shall constitute a fund for the relief of any person or persons dependent upon such prisoner, and shall be paid upon the order of the Prison Labor Commission to the person or persons establishing such dependency to the satisfaction of said board, at such time and times as said board may order.

Sec. 8, Act of June 1, 1915, P. L. 656.

**193. EARNINGS OF PRISONERS HOW PAID.** In case a prisoner has no person or persons dependent upon him, the sums so credited shall be deposited for the benefit of such prisoner, under the rules and regulations of the Prison Labor Commission; and the sum so credited shall be paid to the said prisoner,—one-third on discharge of prisoner, one-third in three months after his discharge, and the balance in six months after his discharge.

Sec. 9, Act of June 1, 1915, P. L. 656.

**194. WAGES PAID TO BE CHARGED TO MANUFACTURING FUND.** All wages paid under the provisions of this act shall be

charged to the manufacturing fund provided for in section five of this act.

Sec. 10, Act of June 1, 1915, P. L. 656.

195. OFFICES OF COMMISSION. SUPPLIES. The Board of Commissioners of Public Grounds and Buildings shall provide adequate offices and quarters for the commission, in the State Capitol or elsewhere, and shall, on requisition of the commission, furnish all such books, stationery, furniture, supplies, et cetera, as may be needed to conduct properly the affairs of the commission.

Sec. 11, Act of June 1, 1915, P. L. 656.

196. REQUISITIONS FOR PRINTING AND BINDING. The printing and binding necessary for the proper performance of the duties of the commission, and for the proper preservation of the records of the commission, shall be done by the State Printer, upon order of the Superintendent of Public Printing and Binding, upon requisition of the commission.

Sec. 12, Act of June 1, 1915, P. L. 656.

## IX.

### PLACING OUT AND INDENTURING OF CHILDREN. RETURN OF CHILDREN.

FOR PROVISIONS AS TO PLACING OUT AND INDENTURING CHILDREN BY PARTICULAR INSTITUTIONS, SEE THE FOLLOWING SECTIONS:

	Sections.
Pennsylvania Training School at Morganza,.....	87,93,94
Glen Mills Schools, .....	115,119,125,128
House of Correction, Employment and Reformation of Philadelphia, .....	152

197. PLACING OUT PAUPER CHILDREN OVER TWO YEARS OF AGE, BY POOR AUTHORITIES. VISITATION BY POOR AUTHORITIES. It shall be the duty of said overseers or other persons having charge of the poor, to place all pauper children who are in their charge, and who are over two years of age, (with the exception named in the first section of this act,) in some respectable family in this State, or in some educational institution or home for children; and one of the said officers shall visit such children in person or by agent, not less than once every six months, and make all needful inquiries as to their treatment and welfare, and shall report thereon

to the board of overseers or other officers charged with the care of such children.

Sec. 2, Act of June 13, 1883, P. L. 111.

**198. DEPENDENT CHILDREN PLACED IN CARE OF ASSOCIATIONS AND INDIVIDUALS TO BECOME WARDS. PLACING OUT AND INDENTURING OF DEPENDENT CHILDREN.** In any case where the court shall award a dependent child to the care of any association or individual, in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may, by its or his attorney or agent, appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

Sec. 5, Act of April 23, 1903, P. L. 274.

For the definition of "dependent child" as used in this section see section 1, Act of April 23, 1903, P. L. 274, supra section 198.

**199. INDENTURING OF CHILDREN BY CERTAIN SOCIETIES AND INSTITUTIONS. PROCEDURE.** Whenever any benevolent or charitable institution, asylum or corporation, whether created by general or special laws of this Commonwealth, shall hereafter maintain and care for any minor child for a period of one year or over at the expense, either in whole or in part, of such institution, asylum or corporation, then the courts of common pleas of the proper county, or where the rights of a guardian are or may be affected thereby, the orphans' court of said county, are hereby authorized and empowered, in all proper cases, upon petition to them made by the board of managers or proper officers of such institution, asylum or corporation, and upon due notice to the parents, guardian or next friend of said minor, said notice to be personally served if practicable, otherwise such notice to be given by advertisement in such newspaper or newspapers and for such length of time, as said court may direct, to make and enter an order or decree granting unto such petitioners the right and power to indenture said minor, for and during its minority, to any suitable person or persons; and said indenture thus made shall vest in the person to whom said minor is so indentured the sole and absolute right to the care, control and custody and services of said minor, during its said minority, as against such parent, guardian or next friend so notified of said petition, as

aforesaid: Provided, however, That nothing herein contained shall be so construed as to interfere in any manner with or prejudice the rights over said minor, reserved in such indenture by and to said institution, asylum or corporation.

Sec. 1, Act of April 13, 1899, P. L. 46, No. 46.

**200. IN PLACING CHILDREN, RELIGION OF PARENTS TO BE TAKEN INTO CONSIDERATION.** It shall be the duty of (the duty of) the society to whom a commitment shall be made in accordance with the provisions of the first section of this act, when the minors so committed to it are placed in respectable families subject to the visitation and supervision of such person as may from time to time be appointed for such purpose by the judges of the court of common pleas of the county in which such commitment shall be made, to select, so far as it may be possible, families of the same religious denomination as that to which the parents of children committed to its care shall belong

Sec. 5, Act of June 8, 1893, P. L. 399.

The societies herein referred to are incorporated societies having for one of its objects the protection of children from cruelty, or the placing of children not otherwise provided for in families, to whom, under sections 1 and 2 of this act, supra sections 167 and 168, commitments of certain minors may be made.

**201. RETURN OF DELINQUENTS TO HOUSES OF REFUGE AND REFORM SCHOOLS.** Whereas, The managers of houses of refuge and reform schools, should exercise the authority vested in them for the supervision and best welfare of their wards during their minority, after they have been placed out as apprentices or returned to their friends; therefore,

It shall be lawful for the managers of the houses of refuge and reform schools in the Commonwealth of Pennsylvania, when they have placed out their wards as apprentices, or given them up to their friends, to cause them to be returned to their custody, whenever it shall appear on complaint before a judge of the court of quarter sessions having jurisdiction, that the agreements made in their behalf have been violated, or they have been neglected or improperly treated by those who have been intrusted with them during their minority, and the said wards may be reclaimed by the said managers.

Sec. 1, Act of June 4, 1879, P. L. 84, No. 93.

## **X.**

### **VISITORS AND VISITATION OF INSTITUTIONS IN WHICH DELINQUENT, DEPENDENT AND NEGLECTED CHILDREN ARE COMMITTED. REPORTS.**

**FOR OTHER PROVISIONS RELATING TO VISITORS AND  
VISITATION OF PARTICULAR INSTITUTIONS SEE THE FOL-  
LOWING SECTION:**

Section.

Glen Mills Schools, ..... 126

202. COURT OF COMMON PLEAS TO APPOINT BOARD OF VISITORS OF INSTITUTIONS, ETC., HAVING CARE AND CUSTODY OF DEPENDENT, NEGLECTED AND DELINQUENT CHILDREN. VISITS. REPORTS TO COURT AND BOARD OF PUBLIC CHARITIES. EXPENSES OF BOARD. That it shall be the duty of the court of common pleas in each county within this Commonwealth to appoint a board, consisting of six or more reputable citizens, who shall serve without compensation, to constitute a Board of Visitors, whose duty it shall be to visit, at least once a year, all institutions, societies, and associations, within the county, into whose care and custody dependent, neglected, or delinquent children shall be committed under the provisions of the laws of this Commonwealth; and all charitable, reformatory, or penal institutions, and all institutions, within the county, which receive their inmates from more than one county, and are supported or managed, in whole or in part, by the Commonwealth, or any of the officers thereof; and all institutions, within the county, which are wholly supported and managed by any city, county, borough, or poor district of the Commonwealth. Such visits shall be made monthly by not less than two of the members of the board, who shall report to the board. The said Board of Visitors shall make reports to the court, from time to time, on matters pertaining to the welfare of the institutions, particularly the treatment received by the inmates. A copy of such report shall be submitted by the board to the persons in charge of such institutions, societies, and associations. The board shall make an annual report to the Board of Public Charities. The said Board of Visitors shall be entitled to receive, from the counties in which they shall be appointed, such sum or sums of money for actual and necessary expenses as may be approved by the board of county commissioners in their respective counties.

Sec. 1, Act of June 6, 1913, P. L. 452, amending Sec. 1, Act of February 26, 1903, P. L. 8.



The Board of Visitation has power to visit only those charitable, reformatory or penal institutions to which children or adults or both are committed by some legal authority under the provisions of some law of this Commonwealth, and not those institutions in which children are placed by parents, guardians or friends without legal commitment. Such visits should be made monthly by at least two members of the board: *Opinion of Attorney General, December 2, 1913, Board of Visitation, 22 Dist. Rep. 313.*

**203. NOMINATION OF VISITORS. DISCRETION OF COURT IN CHOICE OF VISITORS** That the court of common pleas in each county within this Commonwealth may receive nominations of persons for appointment on the said boards of visitation, submitted to the court by any corporation organized under the laws of this Commonwealth for the study and improvement of the conditions of charitable, reformatory, or penal institutions, and such nominations shall in no way interfere with the exercise of free discretion by the court in making such appointments.

Sec. 2, Act of June 6, 1913, P. L. 452.

The nominations herein referred to are to the Boards of Visitors appointed under the section immediately preceding.

**204. APPOINTMENT AND DUTY OF VISITORS.** It shall be the duty of the judges of the several courts of common pleas within this Commonwealth to appoint visitors to visit the children committed in accordance with the provisions of this act by any magistrate, justice of the peace or judge in their respective counties, the said visits to be made at intervals not longer than once every six months, and the said visitors shall report upon the character of the home in which said child shall be placed, and the expense of said visitation shall be fixed by the court and borne by the counties aforesaid.

Sec. 6, Act of June 8, 1893, P. L. 399.

These visitors are appointed for the purpose of visiting delinquents committed to the care of societies having for their objects the protection of children from cruelty or the placing out of children. See section 1, Act of June 8, 1893, P. L. 399, supra section 167.

**205. OFFICIAL VISITORS OF HOMES FOR FRIENDLESS. EXAMINATION AND INSPECTION BY GRAND JURIES.** The judges of the court of common pleas of the several counties of this commonwealth are hereby constituted and appointed ex-officio visitors of any such school or institution; and the grand jury of the court of quarter sessions of the county in which any such school or institution is located, shall, as often as directed by the said court, visit, examine and inspect the needs and management of any such school or institution, and the condition of the children therein, as directed by the said court, and report the same to the said court.

Sec. 5, Act of April 12, 1875, P. L. 46, No. 51.

The school or institution herein referred to is one receiving county appropriations, commonly known as a home for friendless, and to which friendless, destitute or vagrant children are sent upon recommendation of school director or by poor authorities. See sections 1, 2, 3 and 4 of this act, supra sections 160 to 163.

**206. INSTITUTIONS, ETC., HAVING CARE OF DELINQUENT, NEGLECTED AND DEPENDENT CHILDREN, SUBJECT TO VISITATION. INFORMATION TO COURTS. ANNUAL REPORTS TO BOARD OF CHARITIES. SECRETARY OF BOARD OF PUBLIC CHARITIES TO FURNISH LIST OF INSTITUTIONS TO COURTS WHEN CHILDREN NOT TO BE COMMITTED TO INSTITUTIONS.** The institutions, associations, and societies, into whose care the custody of delinquent, neglected or dependent children may be committed by order of the courts of this Commonwealth, shall be subject to the same visitation, inspections, and supervision of the Board of Public Charities as the public charitable institutions of this State; and the courts of common pleas of this Commonwealth may require such information and statistics from such institutions, associations or societies as said judges deem necessary in order to enable them to exercise a wise discretion in dealing with children. Every such institution, association or society shall file with the Board of Public Charities an annual written or printed report, which shall contain a statement of the number of children cared for during the year, the number received, the number placed in homes, the number died, the number returned to friends; also, a financial statement, showing the receipts and disbursements of such institutions, associations or societies. The statement of receipts shall indicate the amount received from public funds, the amount received from donations, and the amount received from other sources, specifying the several sources. The statement of disbursements shall show the amount expended for salaries and other expenses, specifying the same; the amount expended for lands, buildings and investments. The secretary of the Board of Public Charities shall furnish to each of the said courts of common pleas a list of such institutions, associations, and societies filing such annual reports, and no child shall be committed to the care of any such institution, association or society which shall not have filed a report, for the fiscal year last preceding, with the Board of Public Charities.

Sec. 1, Act of March 5, 1903, P. L. 11.

**207 GENERAL AGENT AND SECRETARY OF THE BOARD OF PUBLIC CHARITIES TO VISIT CERTAIN INSTITUTIONS. REPORTS.** The General Agent and Secretary of the Board of Public Charities shall hold his office for three years, unless sooner removed; he shall be a member of the board ex-officio; and it shall be his duty to cause a correct record of its proceedings to be kept, oversee and

conduct its out-door business, visit all (charitable, penal,) reformatory, and correctional institutions in the State at least once in each year, except as hereinafter provided, and as much oftener as the board may direct; he shall prepare a series of interrogatories, with the necessary accompanying blanks, to the several institutions of charity, reform, and correction in the State, and to those having charge of the poor in the several counties thereof, or any subdivision of the same, with a view to illustrate in his annual report the causes and best treatment of pauperism and crime, and shall have free access to all reports and returns now required by law to be made; and he may also propose, for the approval of the board, such general investigations as he may think best. He shall be paid annually the sum of five thousand dollars (\$5,000), and his additional traveling expenses.

Sec. 1, Act of May 1, 1913, P. L. 149, amending Sec. 4, Act of April 24 1869, P. L. 90.

**208. COMMISSIONERS OF BOARD OF PUBLIC CHARITIES TO HAVE POWER TO EXAMINE INTO CONDITIONS, ETC., OF CERTAIN INSTITUTIONS, AND TO HAVE ACCESS TO GROUNDS, ETC. PENALTY ON OFFICERS AND PERSONS NEGLECTING OR REFUSING TO GIVE INFORMATION, ETC**  
The said commissioners shall have full power, either by themselves or the general agents, at all times to look into and examine the condition of all charitable, reformatory, or correctional institutions within the State, financially and otherwise; to inquire and examine into their methods of instruction, the government and management of their inmates, the official conduct of trustees, directors, and other officers and employes of the same the condition of the buildings, grounds, and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they shall have free access to the grounds, buildings, and all books and papers relating to said institutions; and all persons now or hereafter connected with the same are hereby directed and required to give such information, and afford such facilities for inspection, as the said commissioners may require; and any neglect or refusal on the part of any officer or person connected with such institution to comply with any of the requirements of this act shall subject the offender to a penalty of one hundred dollars (\$100.00), to be sued for and collected by the general agent in the name of the board. The commissioners shall also have power to employ such experts, clerks, stenographers, and other employes of all kinds as the business of the Board of Public Charities and that of the Committee on Lunacy may require.

Part of Sec. 2, Act of May 1, 1913, P. L. 149, amending Sec. 5, Act of April 24, 1869, P. L. 90.

The commissioners herein referred to are the commissioners of the Board of Public Charities.

**209. VISITATION BY BOARD OF PUBLIC CHARITIES.** The said commissioners, by themselves or their general agent, are hereby authorized and required, at least once in each year, to visit all the charitable and correctional institutions of the State receiving state aid, and ascertain whether the moneys appropriated for their aid are or have been economically and judiciously expended; whether the objects of the several institutions are accomplished; whether the laws in relation to them are fully complied with; whether all parts of the State are equally benefitted by them, and the various other matters referred to in the fifth section of this act; and in their annual report to the legislature, to embody the result of their investigations, together with such other information and recommendations as they may deem proper:

Sec. 6, Act of April 24, 1869, P. L. 90.

The "Commissioners" herein referred to are the Commissioners of the Board of Public Charities.

**210. BOARD OF PUBLIC CHARITIES TO DESIGNATE COUNTY VISITORS. PENALTY UPON OFFICERS OF INSTITUTIONS.** The said board shall have power, by a resolution, to be entered on its minutes, subject to such terms and regulations as it may prescribe, to designate three or more persons in any county to act, without compensation, as visitors in said county of the several poorhouses and other institutions therein, subject to the visitation of the board, in aid of and as representatives of such board; and all public officers and others in charge of such institutions shall admit to said institutions all such persons so designated upon the production of a copy of such resolution, certified by the president or secretary of said board, to visit, examine and inspect the grounds and buildings of every such institution and every part thereof, and all its hospital and other arrangements, and to have free access to all its inmates. Any public officer, superintendent or person in charge of any such institution, who shall refuse to admit any person so designated, or shall refuse to give said visitors all requisite facilities for the examination and inspection herein provided for, shall be subject to a penalty of two hundred and fifty dollars for each such refusal, which penalty may be sued and recovered in the name of the people of the State, by the district attorney of the county in which such institution is situated, and the sum so recovered shall be paid into the treasury of the State.

Sec. 1, Act of May 7, 1874, P. L. 119.

The Board herein referred to is the Board of Public Charities.

**211. WHEN OFFICIAL VISITORS MAY ENTER PENAL AND REFORMATORY INSTITUTIONS.** Any person designated by law to be official visitor of any (jail, penitentiary, or other) penal or

reformatory institution, in this Commonwealth, maintained at the public expense, is hereby authorized and empowered to enter and visit any such (jail, penitentiary, or other) penal or reformatory institution, on any and every day, including Sundays, between the hours of nine o'clock, ante meridian, and five o'clock, post meridian; and not before nine o'clock, ante meridian, or five o'clock, post meridian, except with the special permission of the warden, manager, overseer, or superintendent in charge of any such (jail, penitentiary, or other) penal or reformatory institution.

Sec. 1, Act of May 14, 1909, P. L. 838.

**212. INTERVIEWS WITH INMATES OF PENAL AND REFORMATORY INSTITUTIONS BY OFFICIAL VISITORS.** Upon any such visit of any official visitor to any such (jail, penitentiary, or other) penal or reformatory institution, such visitor shall have the right to interview privately any prisoner or inmate confined in any such (jail, penitentiary, or other) penal or reformatory institution, and for that purpose to enter the cell, room, or apartment wherein any such prisoner or inmate shall be confined: Provided, however, That if any warden, manager, overseer, superintendent, or person in charge of such institution at the time of such visit, shall be of the opinion that such entry by the official visitor into the cell, room, or apartment of such prisoner or inmate would be dangerous to the discipline of the institution, then and in that case the said warden, superintendent, overseer, manager, or person in charge, conduct any prisoner or inmate, with whom such official visitor may desire a private interview, into such other cell, room, or apartment within the institution as he may designate, and there permit the private interview between the official visitor and such prisoner or inmate to take place: Provided further, however, That no official visitor shall have the right or power of privately interviewing any such prisoner or inmate except prisoners or inmates of the same sex as such official visitor.

Sec. 2, Act of May 14, 1909, P. L. 838.

**213. OFFICIAL VISITORS PROHIBITED FROM GIVING CERTAIN CHATTELS AND OBJECTS TO INMATES OF PENAL AND REFORMATORY INSTITUTIONS.** All powers, functions, and privileges heretofore belonging to official visitors of (jails, penitentiaries, and) penal or reformatory institutions, under the common statute laws, are hereby confirmed: Provided, however, That no such official visitor shall have the right or power to give or deliver to any prisoner or inmate of any such (jail, penitentiary, or) penal or reformatory institution, during such visit, any chattel or object whatsoever, except objects and articles of religious or moral instruction or use.

Sec. 3, Act of May 14, 1909, P. L. 838.

214. **PENALTY. REMOVAL AS OFFICIAL VISITOR.** If any such official visitor shall violate any of the prohibitions herein contained, any warden, manager, overseer, or superintendent of any such (jail, penitentiary,) penal or reformatory institution, may apply to any court of common pleas in the county wherein such institution may be situated, for a rule upon such visitor to show cause why he or she should not be deprived of his or her office; and upon proof to the satisfaction of said court being made, such court shall enter a decree against such official visitor, depriving him or her of all rights, privileges, and functions of official visitor.

Sec. 4, Act of May 14, 1909, P. L. 838.

## **XI**

### **MISCELLANEOUS PROVISIONS RELATING TO INSTITUTIONS.**

215. **HOUSES OF REFUGE AND REFORM SCHOOLS CHANGING NAMES TO HAVE BENEFIT OF CERTAIN LAWS.** Whenever any house of refuge or reform school, now incorporated and existing within this Commonwealth, shall have duly changed its name in accordance with the laws of the Commonwealth, all laws applicable to such house of refuge or reform school, within this Commonwealth, shall be equally applicable to such institution, by whatever name it shall thereafter be known.

Sec. 1, Act of March 18, 1909, P. L. 44.

216. **REASONS FOR REMOVAL OF HOUSES OF REFUGE AND INSTITUTIONS OF REFORMATION. WHEREAS,** Experience has demonstrated that houses of refuge and institutions for the reformation of juvenile delinquents can be more successfully conducted on farms in the country, where the family life and home influence can more nearly be secured and agricultural and other industrial occupations more easily secured;

And whereas, The managers of such institutions located in cities may desire to remove them, or some department of them, to the country, where these advantages can be obtained.

Preamble to Act of May 13, 1889, P. L. 209.

217. **REMOVAL OF HOUSES OF REFUGE AND REFORMATORIES. OFFICE FOR SERVICE OF PROCESS.** Wherever, by virtue of its charter, any house of refuge or institution for the reformation of juvenile delinquents is now, or may hereafter be, located in a city, it shall and may be lawful for the managers thereof, whenever in their discretion it may be desirable, to purchase real estate and

locate such institution, or any department thereof, in a rural district in the same or in any county other than that in which it has theretofore been located: Provided, That, if removing to another county, the managers shall file in the office of the clerk or the court of quarter sessions of the county in which the institution has theretofore been located, a certified copy, under the seal of the corporation, of a resolution appointing some place within said county as its office, where writs of habeas corpus or other legal process issuing out of the courts of said county and directed to said managers may be served, which process it is hereby made incumbent upon said managers to obey with the same force and effect as though issuing out of the courts of the county in which said institution or department thereof shall be located.

Sec. 1, Act of May 13, 1889, P. L. 209.

**218. EXTENSION OF LAWS TO INSTITUTIONS REMOVED.** All laws or part of laws relating to the commitment of children to the class of institutions named in the first section of this act, shall apply with equal force and effect to any such institution, or any department thereof, when removed in pursuance of said section to some locality outside of the limits of the county in which said institution was originally located.

Sec. 2, Act of May 13, 1889, P. L. 209.

**219. REVIEW OF INMATES OF INSTITUTIONS REMOVED. POWER OF JUDGES TO REMAND OR DISCHARGE.** Whenever, by existing law, it has been provided that commitments to any house of refuge or institution for the reformation of juvenile delinquents, made by an alderman, justice of the peace or magistrate of a county, shall at stated times be reviewed by the judge or judges of the court of common pleas of the said county, it shall be incumbent upon the managers of such institutions, which shall be removed either wholly or in part from said county, in pursuance of section one of this act, at such stated times to present the children so committed to such institution or department thereof outside of said county, together with their commitments, before the judges of the said county, at the place designated by the said managers as its office for the service of process, and the judges of the said county are hereby authorized and empowered to remand or discharge any child so committed, with the same force and effect as though such institution, or department thereof, were still located within said county.

Sec. 3, Act of May 13, 1889, P. L. 209.

**220. VISITATION OF INSTITUTION REMOVED, BY JUDGES. POWER OF JUDGES TO ORDER DISCHARGES.** It shall be the duty of the judge, or one of the judges alternately in such manner as

may be arranged between them, of the court of common pleas of the county to which such institution, or department thereof, may be removed, to visit such institution once in each month, or oftener if in his or their discretion it may be necessary, and if in the judgment of such visiting judge there is any child illegally detained therein he shall forthwith order his or their discharge, or appoint a time and place for further investigation and act in the premises as in his discretion he may deem proper.

Sec. 4, Act of May 13, 1889, P. L. 209.

**221. LAWS MADE APPLICABLE TO INSTITUTIONS REMOVED.** All charters, laws or parts of laws, relating to houses of refuge and institutions for the reformation of juvenile delinquents, not inconsistent herewith, shall be equally applicable to them or any department of them, whether located in the county originally designated by their charter or removed to another county in pursuance of section one of this act.

Sec. 5, Act of May 13, 1889, P. L. 209.

**222. APPROPRIATIONS TO SOCIETIES BY CITIES OF THE FIRST AND SECOND CLASSES.** Authority is hereby given to every city of the first and second classes, in the discretion of the councils thereof, to make appropriations from the treasury thereof to any society having for one of its objects the protection of children from cruelty or the placing of children not otherwise provided for in families, to which society children of the citizens of said city may by law be committed by the magistrate or judges of the county within which said city may be situated, and all laws and parts of laws inconsistent herewith are hereby repealed.

Sec. 7, Act of June 8, 1893, P. L. 399.

The following approval is attached to this act.

Approved—The 8th of June, A. D. 1893. The general purpose of this bill as embodied in its first six sections meets with my hearty approval. The seventh section is not covered by the title to the bill and is not cognate to its general purposes. I am of the opinion that so much of it is therefore unconstitutional, and will be so held by the courts when submitted to the test; inasmuch, however, as it has been well settled by a line of judicial decisions that the invalid portions of a statute may be declared inoperative without affecting the remainder of the law. I have given this act my approval with this timely notice that its seventh and concluding section is in my judgment ineffective.

The commitments herein referred to are those made under sections 1 and 2 of this act, see *infra* sections 167 and 168.

**223. APPROPRIATIONS BY CITIES OF THE FIRST CLASS TO HOUSES OF REFUGE AND REFORMATORIES.** Every city of the first class be and it is hereby authorized, in the discretion of



the councils thereof, to make appropriations, from the treasury of said city, to houses of refuge and institutions for the reformation of juvenile delinquents, to which children of the citizens of said city may, by law, be committed, by the courts, judges or magistrates of the county, within which such city may be situate, (and all laws or parts of laws inconsistent herewith are hereby repealed).

Sec. 1, Act of May 25, 1887, P. L. 265, No. 149.

## XII

### MISCELLANEOUS PENAL PROVISIONS.

224. MINORS REPRESENTING THEMSELVES TO BE OF AGE IN ORDER TO OBTAIN LIQUOR GUILTY OF MISDEMEANOR. PENALTY. Any person, under the age of twenty-one years, who shall knowingly and falsely represent himself to be twenty-one years of age to any licensed inn-keeper, restaurant keeper, or other person, for the purpose of procuring or having furnished to him, by sale, gift, or otherwise, any intoxicating liquors, shall be guilty of a misdemeanor; and upon conviction thereof in any court of quarter sessions shall be sentenced to pay a fine of not more than fifty dollars, or undergo an imprisonment in the county jail for a period not exceeding sixty days.

Sec. 1, Act of May 20, 1913, P. L. 246, amending Sec. 1, Act of May 10, 1881, P. L. 12.

225. MINORS IN POSSESSION OF CIGARET OR CIGARET PAPER REFUSING TO DISCLOSE FROM WHOM OBTAINED GUILTY OF MISDEMEANOR. PENALTY. MINORS UNDER SIXTEEN. Any minor, being in possession of a cigaret or of cigaret paper, and being by any police officer, constable, juvenile court officer, truant officer, or teacher in any school, asked where and from whom such cigaret or cigaret paper was obtained, who shall refuse to furnish such information, shall be guilty of a misdemeanor; and upon conviction thereof, before any alderman, magistrate, or justice of the peace, such minor, being of the age of sixteen years or upwards, shall be sentenced to pay a fine not exceeding five dollars, or to undergo an imprisonment in the jail of the proper county not exceeding five days, or both. If such minor shall be under the age of sixteen years, he or she shall be certified by such alderman, magistrate, or justice to the juvenile court of the county, for such action as to said court shall seem proper.

Sec. 2, Act of May 9, 1913, P. L. 198.

226. PERSONS CONTRIBUTING TO DELINQUENCY OF MINORS GUILTY OF A MISDEMEANOR. All persons who con-

tribute to the delinquency of any minor to whom the jurisdiction of any juvenile court within this Commonwealth has attached, or shall hereafter attach, or who knowingly assist or encourage such minor in violating his or her parole or any order of the said court, shall be guilty of a misdemeanor, and, upon conviction shall be sentenced to pay a fine of not more than five hundred dollars, or to undergo imprisonment for a term not exceeding one year, or both, at the discretion of the court.

Sec. 1, Act of May 6, 1909, P. L. 434, supplementing Act of April 23, 1903, P. L. 274.

**227. AGE OF DELINQUENT PRESUMED IN CERTAIN CASES.** In trials or hearings upon charges of violating the provisions of this act, knowledge of the delinquent's minority, and of the said court's orders and decrees concerning such minor, shall be presumed in the absence of satisfactory proof of the contrary.

Sec. 2, Act of May 6, 1909, P. L. 434, supplementing Act of April 23, 1903, P. L. 274.

**228. PARENT OR PERSON CHARGED WITH CARE OF CHILD UNDER SIXTEEN ABANDONING OR WILFULLY OMITTING TO FURNISH FOOD, ETC., GUILTY OF MISDEMEANOR. PENALTY. DISPOSITION OF FINE. EVIDENCE** A parent or other person charged with the care and custody, for nurture or education, of a child under the age of sixteen years, who abandons the child in destitute circumstances, and wilfully omits to furnish necessary and proper food, clothing, or shelter for such child, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both or either, at the discretion of the court. In case a fine is imposed, the same may be applied, in the discretion of the court, to the support of such child. Proof of the abandonment of such child in destitute circumstances, and omission to furnish necessary and proper food, clothing, or shelter, shall be prima facie evidence that such omission was wilful.

Sec. 1, Act of May 29, 1907, P. L. 318.

**229. PARENT OR PERSON CHARGED WITH CARE OF CHILD UNDER SIXTEEN PERMITTING SUCH CHILD TO REMAIN IN HOUSES OF PROSTITUTION, OR WHERE OPIUM IS SMOKED GUILTY OF MISDEMEANOR. PENALTY.** A parent or other person charged with the care or custody, for nurture or education, of a child under the age of sixteen years, who suffers or permits any such child to be or remain in any reputed house of prostitution or assignation, or in any place where opium or any preparation thereof is smoked, shall be guilty of a misdemeanor, and, on conviction there-

of, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both or either, at the discretion of the court.

Sec. 2, Act of May 29, 1907, P. L. 318.

230. CERTAIN RULES OF EVIDENCE NOT TO APPLY. Any provision of law prohibiting the disclosure of confidential communications between husband and wife shall not apply to prosecution for the offenses herein defined.

Sec. 3, Act of May 29, 1907, P. L. 318.

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